



APPLICATION ACCEPTED: November 13, 2012
BOARD OF ZONING APPEALS: April 24, 2013
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 17, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-MV-077
CONCURRENT WITH VARIANCE APPLICATION NO. VC 2012-MV-007

MOUNT VERNON DISTRICT

APPLICANT: George Karsadi

OWNERS: George L. Karsadi
Trisha D. Karsadi

SUBDIVISION: Riverside Estates

STREET ADDRESS: 8356 Wagon Wheel Road, Alexandria 22309

TAX MAP REFERENCE: 101-4 ((17)) 68

LOT SIZE: 14,520 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-914 & 18-401

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 3.4 feet from the rear lot line.

VARIANCE PROPOSAL: To permit existing accessory storage structure greater than 200 square foot in size, fence greater than 7.0 feet in height in side and rear yards, and fence greater than 4.0 feet in height in front yard.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

O:\gumk2\SP Cases\2-6) SP 2012-MV-077_VC Karsadi (error and fence)\SP_VC Karsadi Staff Report.doc

Laura Gumkowski

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-MV-077

GEORGE KARSADI

Variance Application

VC 2012-MV-007

GEORGE KARSADI



0 1,000 2,000 3,000 4,000 Feet

Special Permit

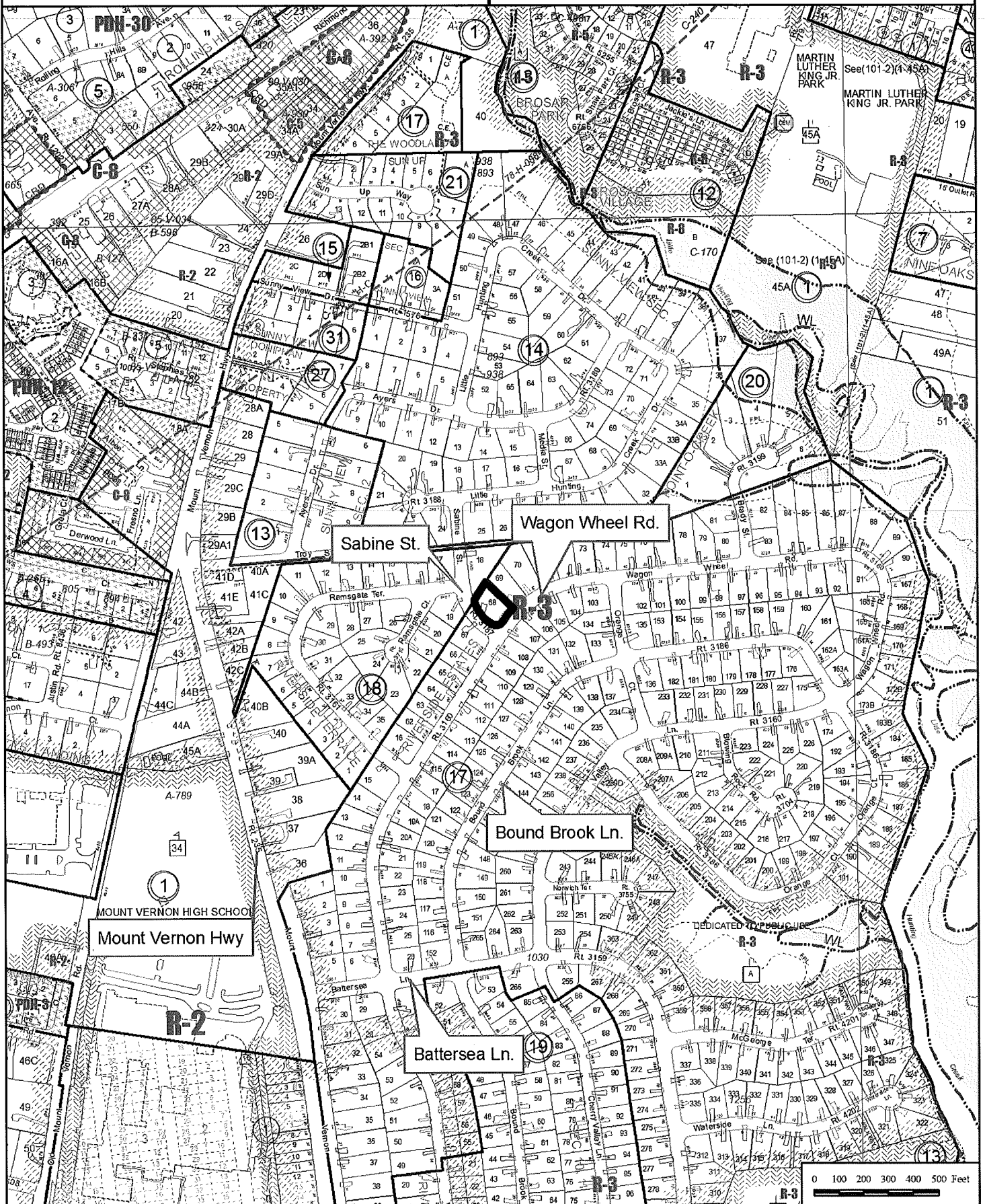
SP 2012-MV-077

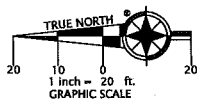
GEORGE KARSADI

Variance Application

VC 2012-MV-007

GEORGE KARSADI





NOTES

1. TAX MAP: 101-4-0017-0068
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 14,520 SF (0.3333 AC)
4. REQUIRED YARDS:
FRONT: = 30.0 FEET
SIDE: = 12.0 FEET
5. HEIGHTS:
DWELLING = 18.5 FEET
SHED = 10.0 FEET
BRQ AREA = 03.1 FEET
OP = 00.4 FEET
FENCES = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS
BASEMENT = 744 SF
1ST FLOOR = 925 SF (INCLUDES ENCL. PORCH)
2ND FLOOR = 744 SF
GROSS FLOOR AREA = 2,413 SF
FLOOR AREA RATIO: GFA (2413) / LOT AREA (14520) = 0.17
13. THE ENCRoACHING EAVE IS GREATER THAN 10.0' ABOVE GRADE.

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 68, SECTION 3
RIVERSIDE ESTATES
(DEED BOOK 1907, PAGE 319)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 20'
AUGUST 28, 2012

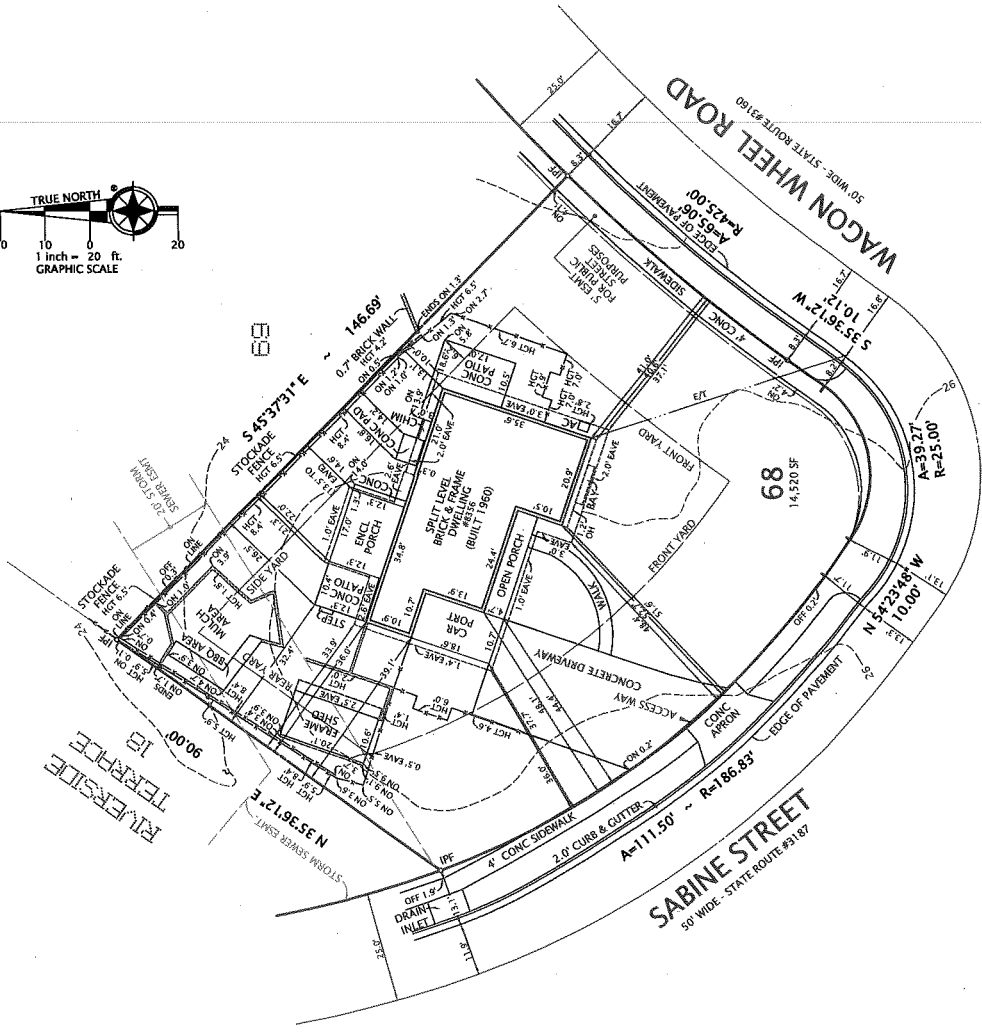
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THE DATE.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

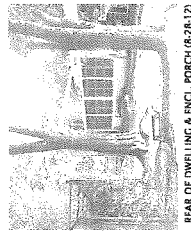


CASE NAME:
GEORGE L. KANSADI
TRISHA D. KANSADI

DOMINION Surveyors Inc.
8808 H FEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
TEL: 703.925.5412
FAX: 703.925.5412



REAR OF DWELLING (8-28-12)



REAR OF DWELLING & ENCL. PORCH (8-28-12)

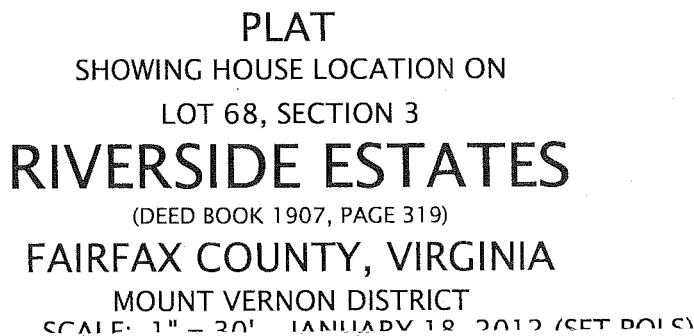


FRONT OF DWELLING (8-28-12)



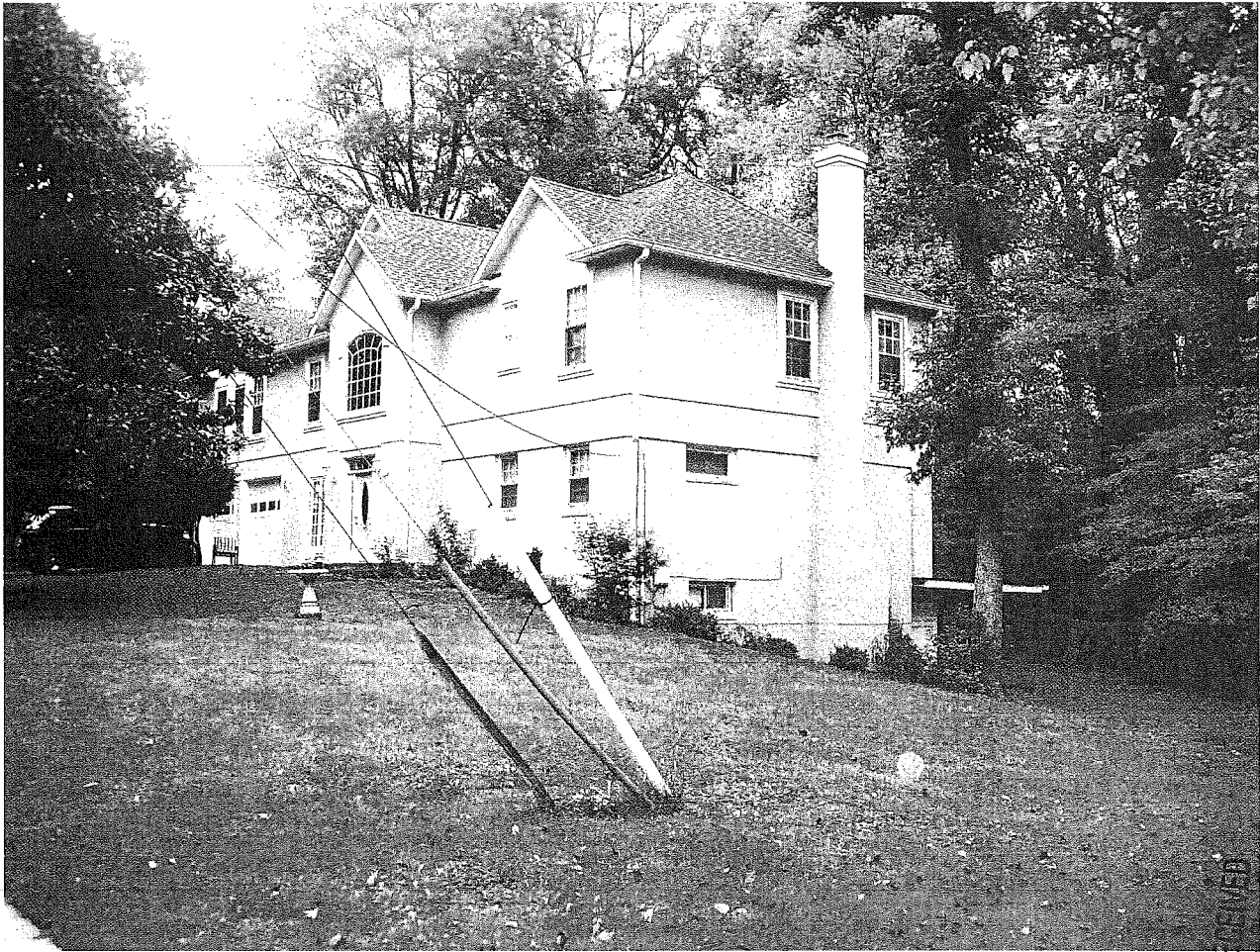
FRONT OF DWELLING AND CARPORT (8-28-12)

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Picture G

10/5/12



RECEIVED
Department of Planning & Zoning

OCT 22 2012

Zoning Evaluation Division



Picture A

10/5/12

Picture B

10/5/12



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Department of Planning & Zoning
OCT 22 2012

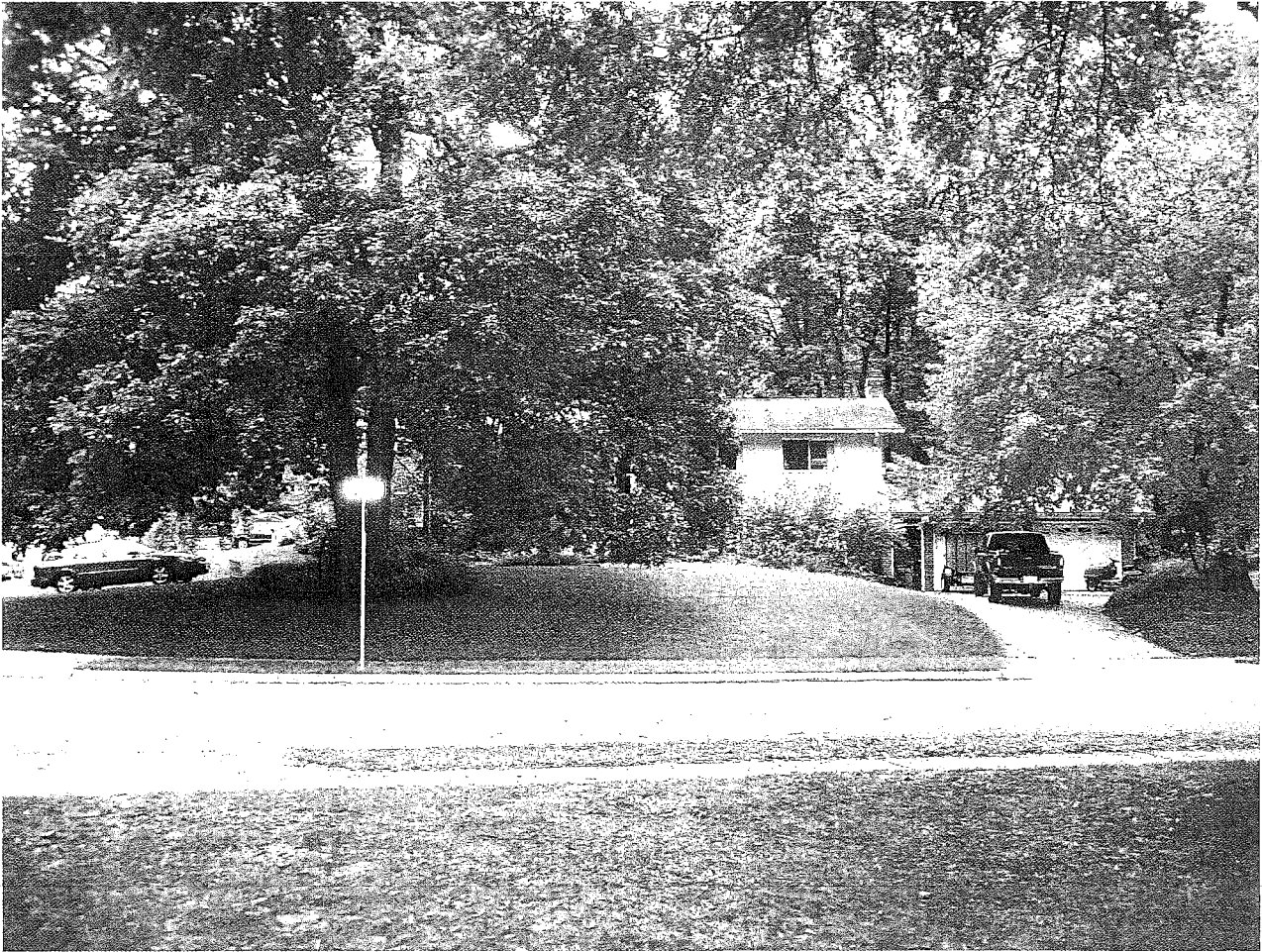


Picture C

10/5/12

Picture D

10/5/12



Picture E

10/5/12

Picture F

10/5/12



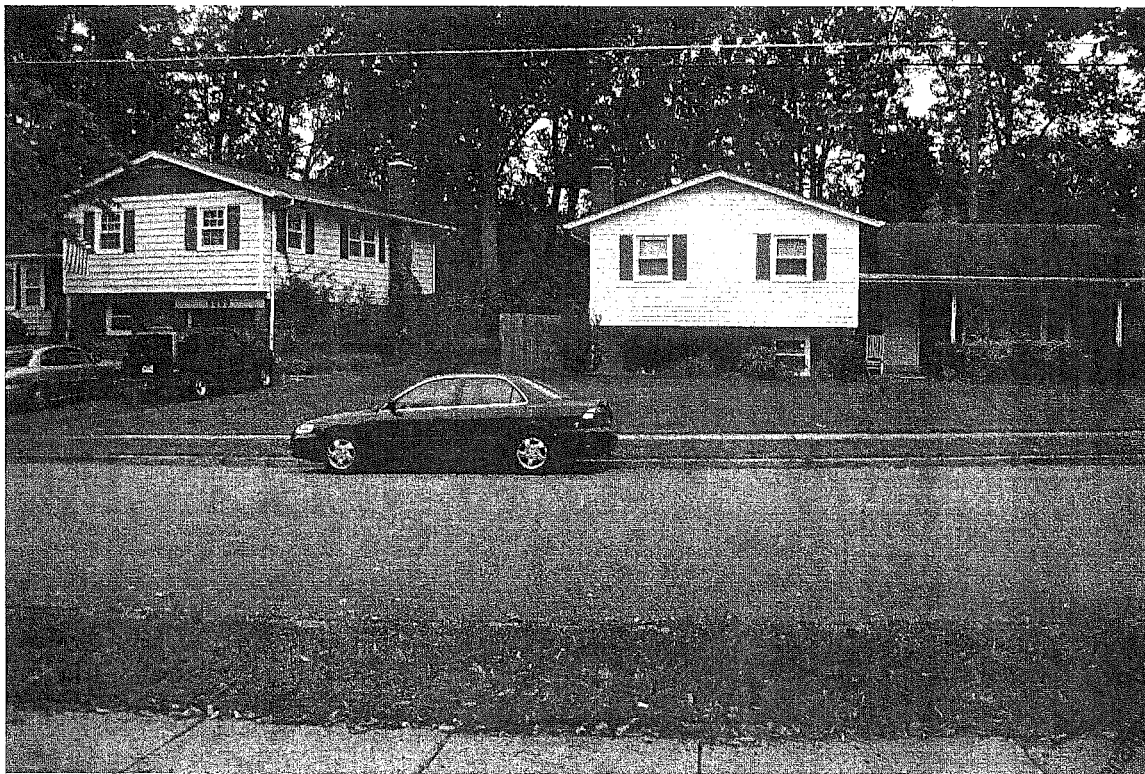
Picture A

10/5/12



Picture B

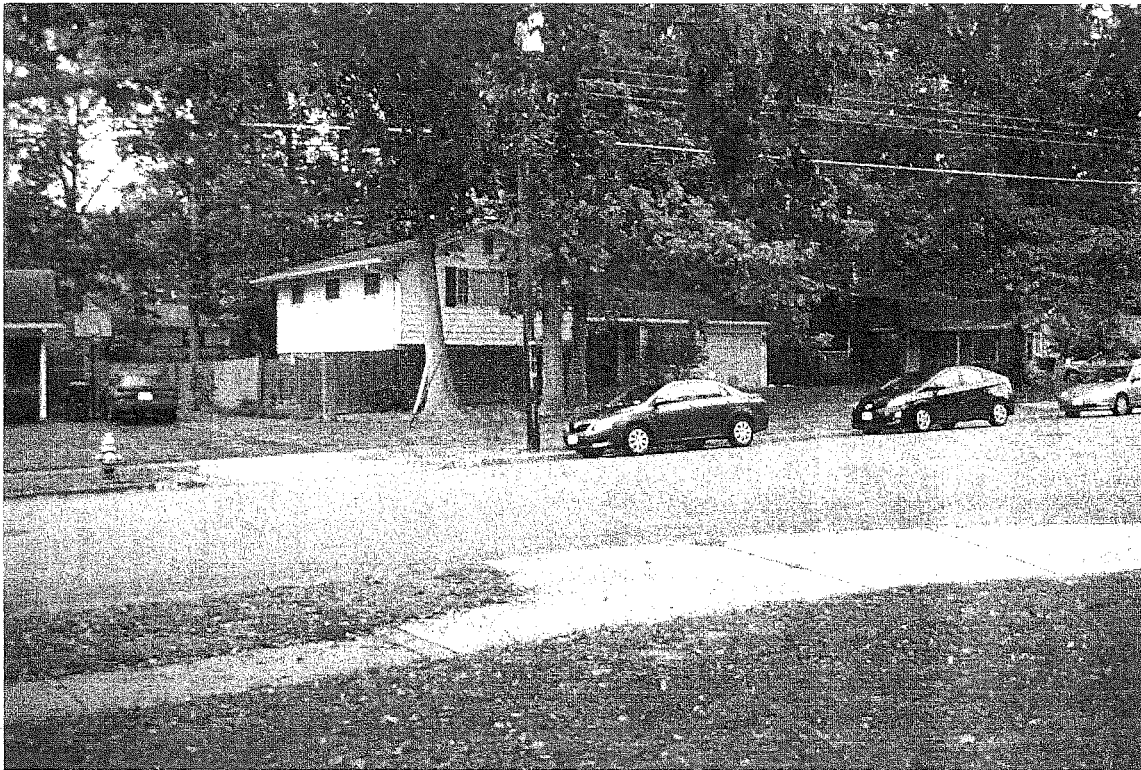
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Department of Planning & Zoning
OCT 22 2012
Zoning Evaluation Division

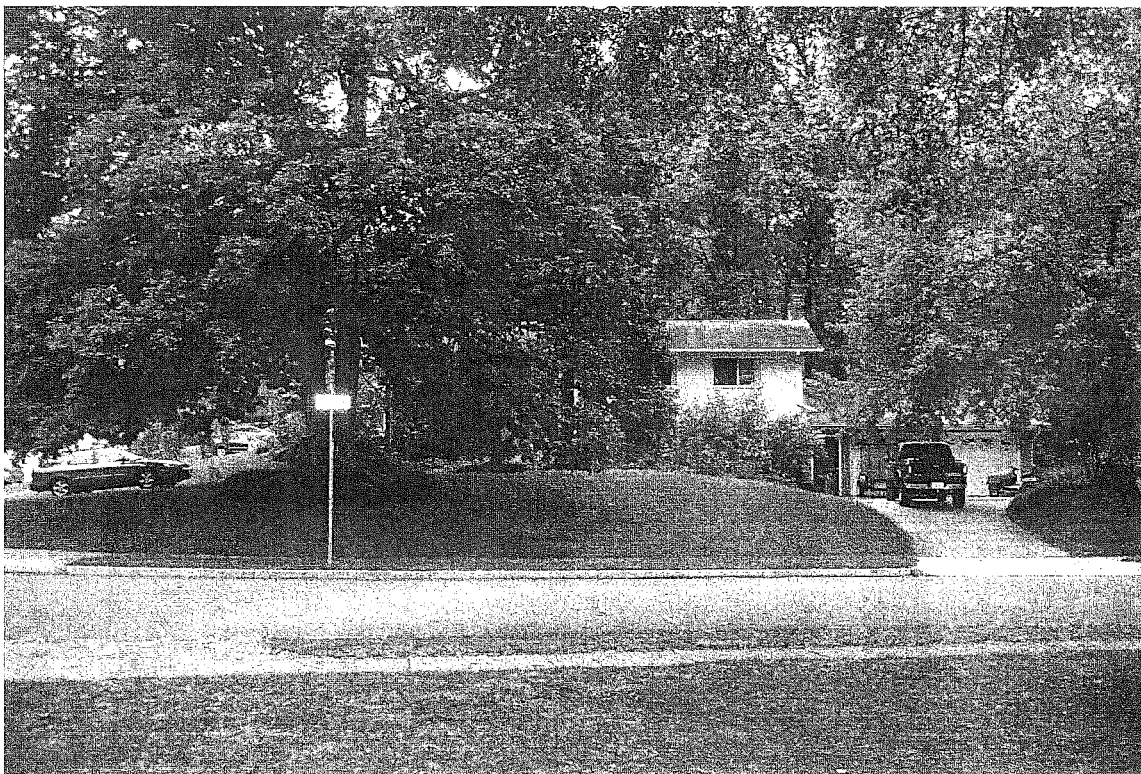
Picture C

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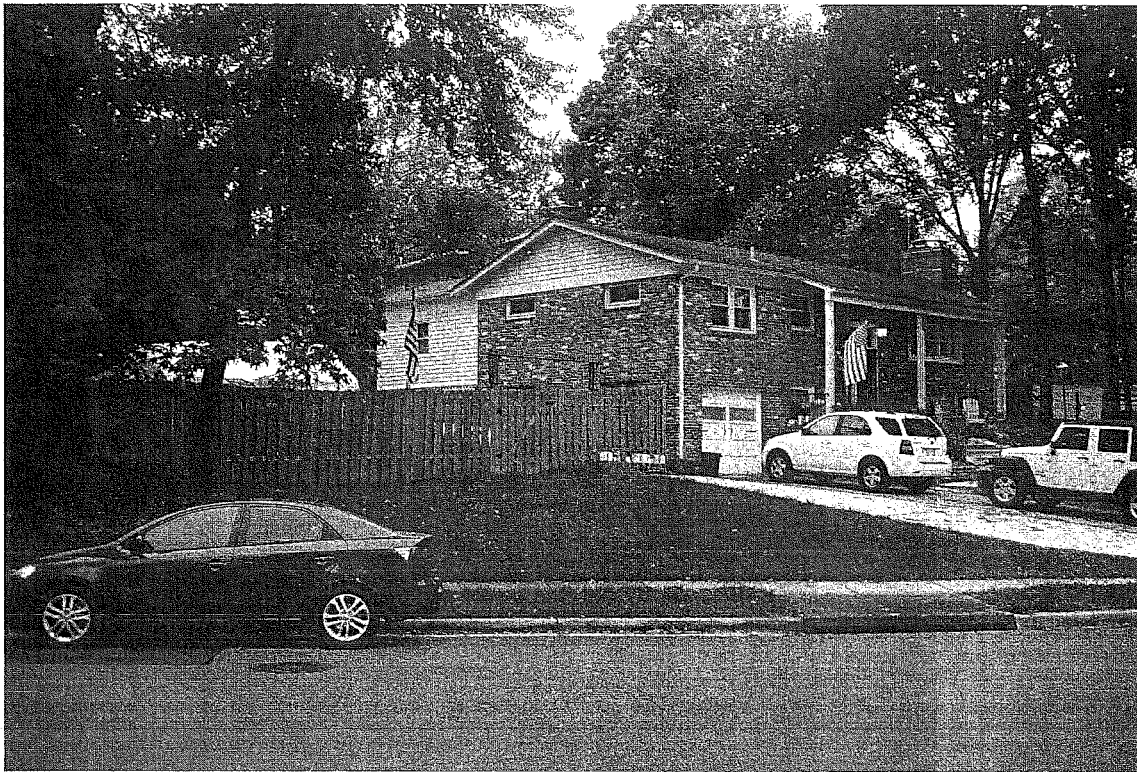
Picture D

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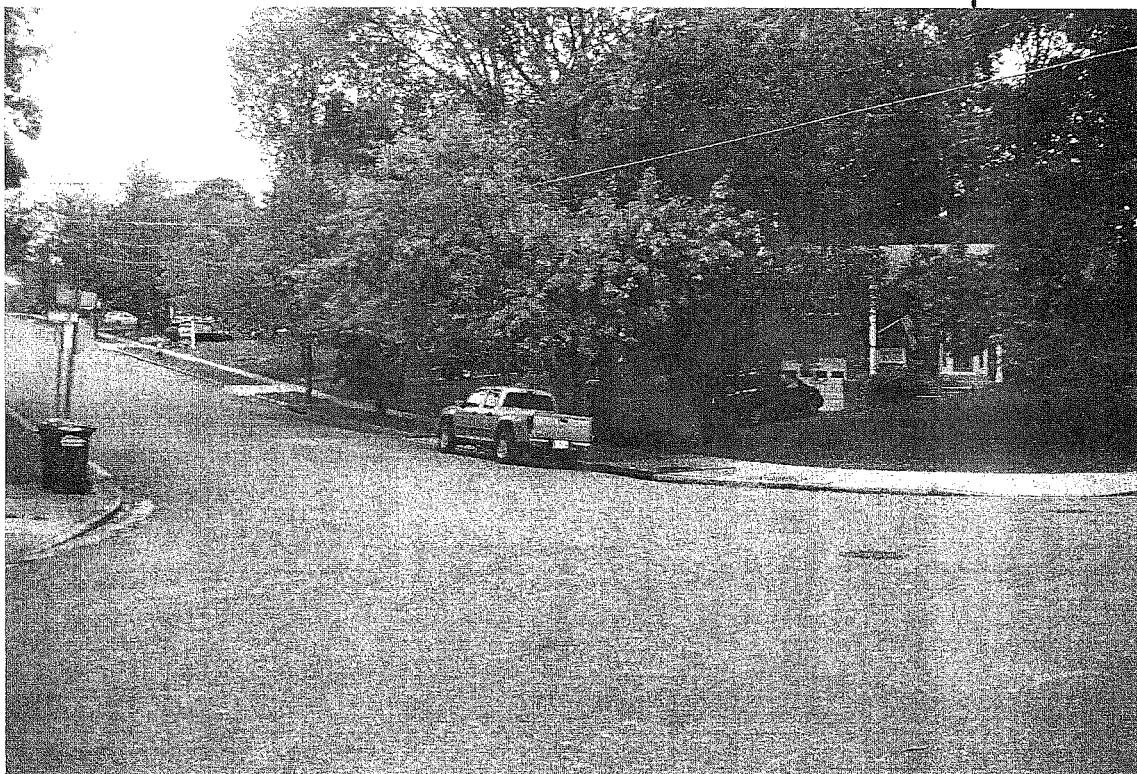
Picture E

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Picture F

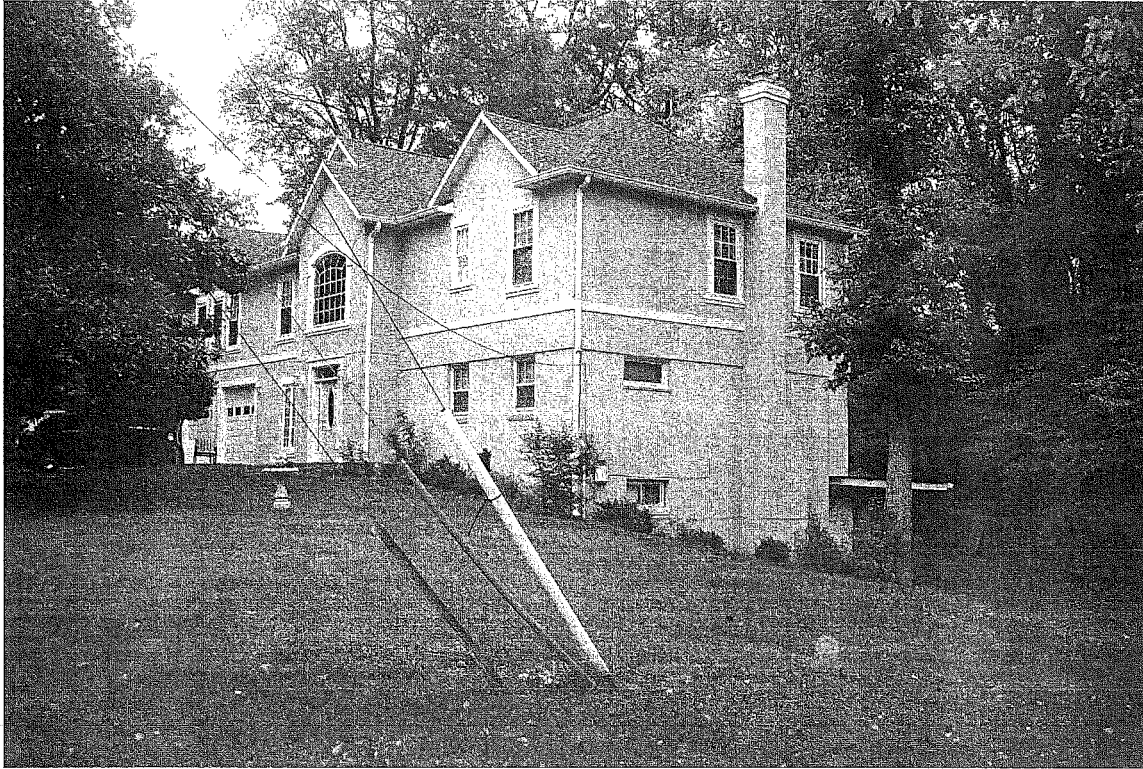
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Department of Planning & Zoning
OCT 22 2012
Zoning Evaluation Unit

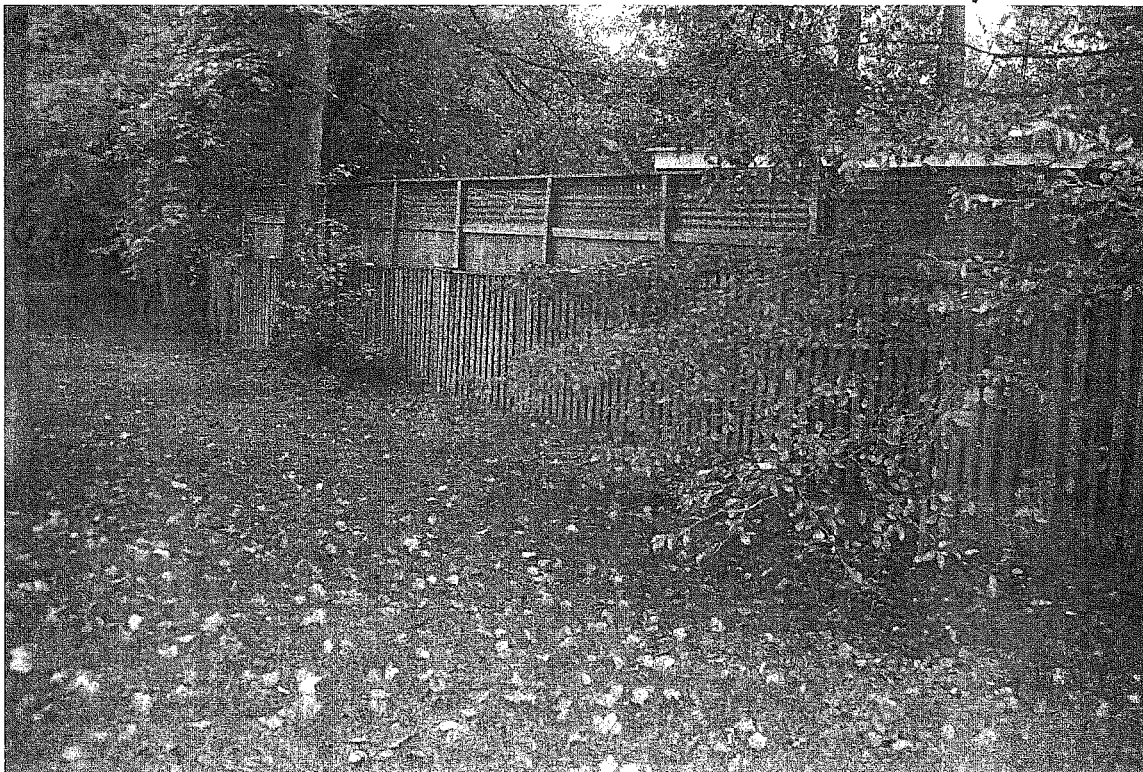
PICTURE (G)

10/5/12



PICTURE (H)

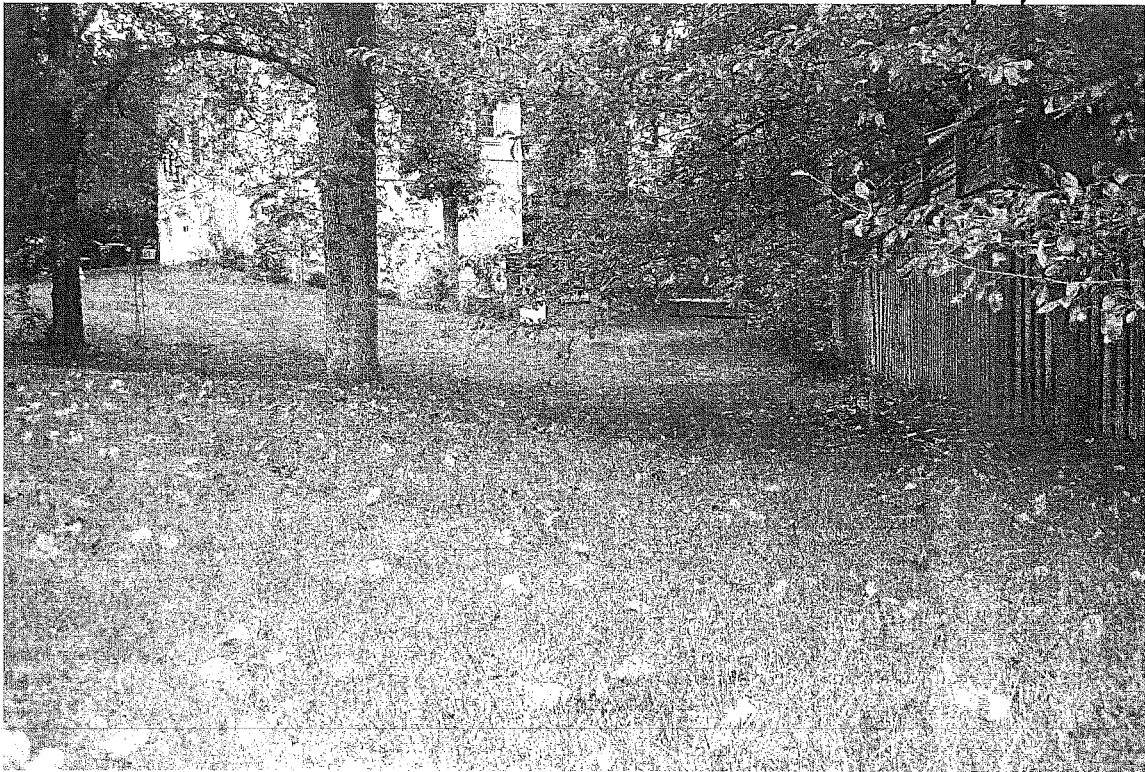
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OCT 22 2012
Zoning Evaluation F

Picture (I)

10/5/12



Picture (J) Neighbors View Down

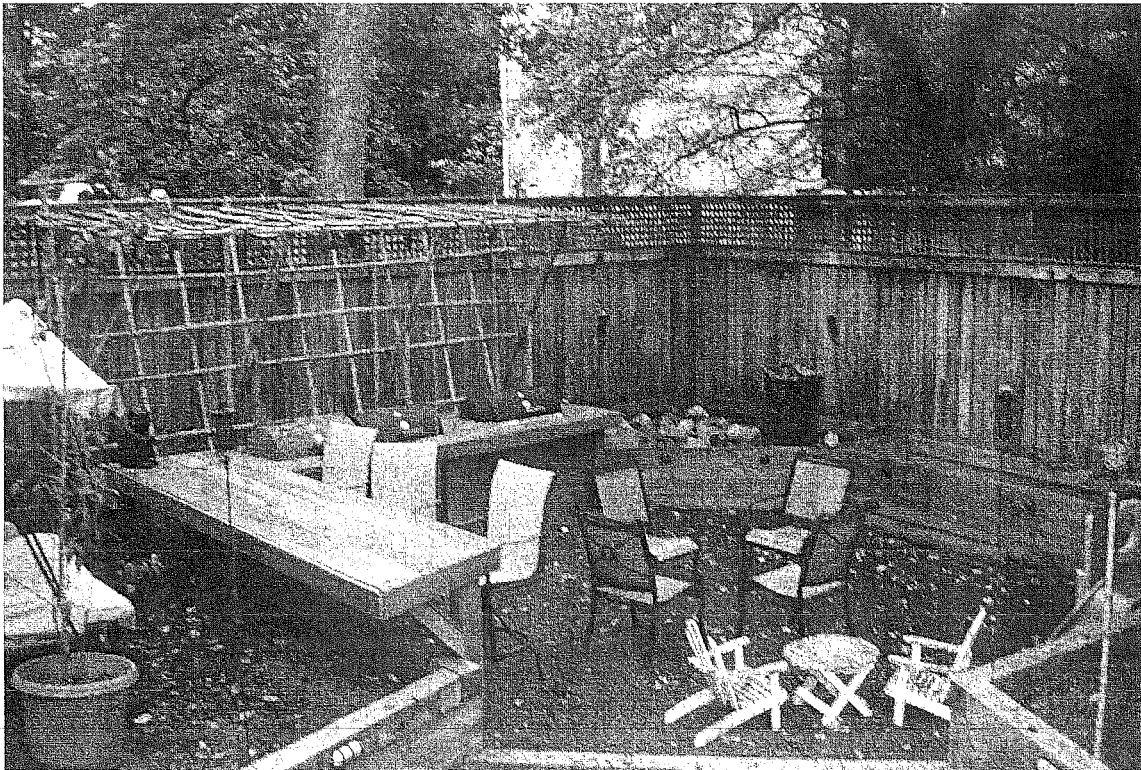
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OCT 22 2012
Zoning Evaluation

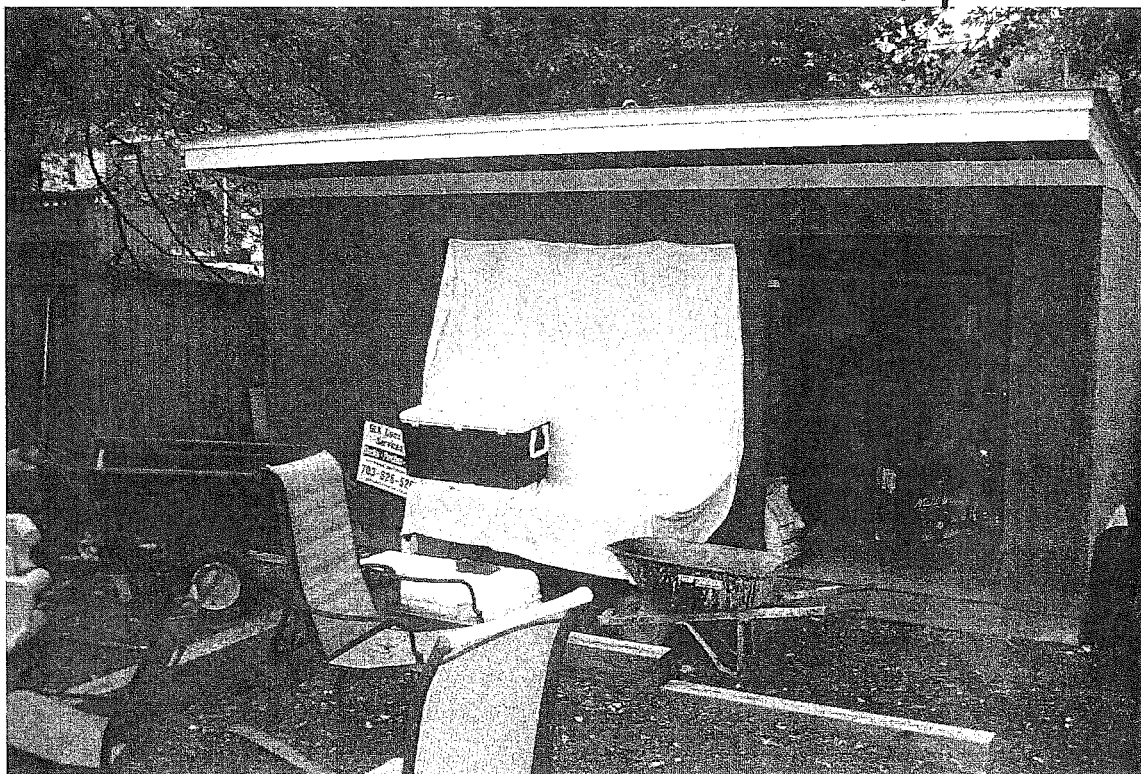
Picture K

10/5/12



Picture L

10/5/12



July 21st 2012



TAKEN FROM WAGON WHEEL LOOKING NW



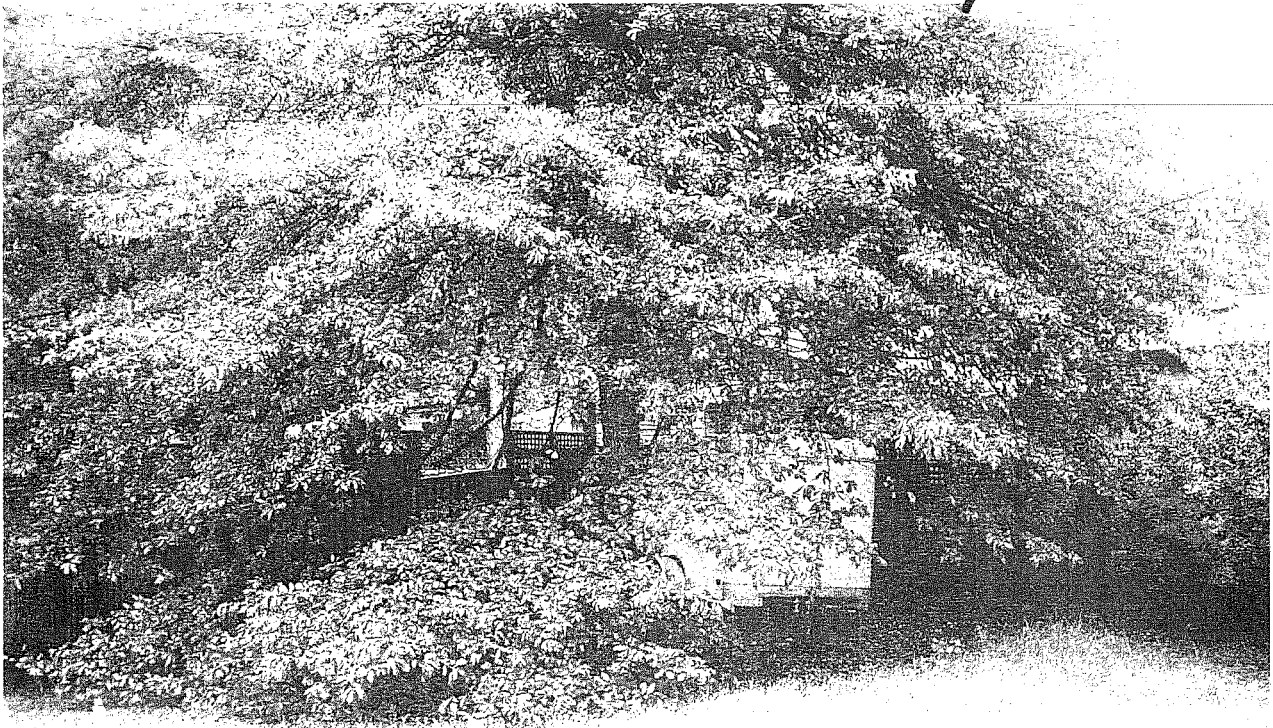
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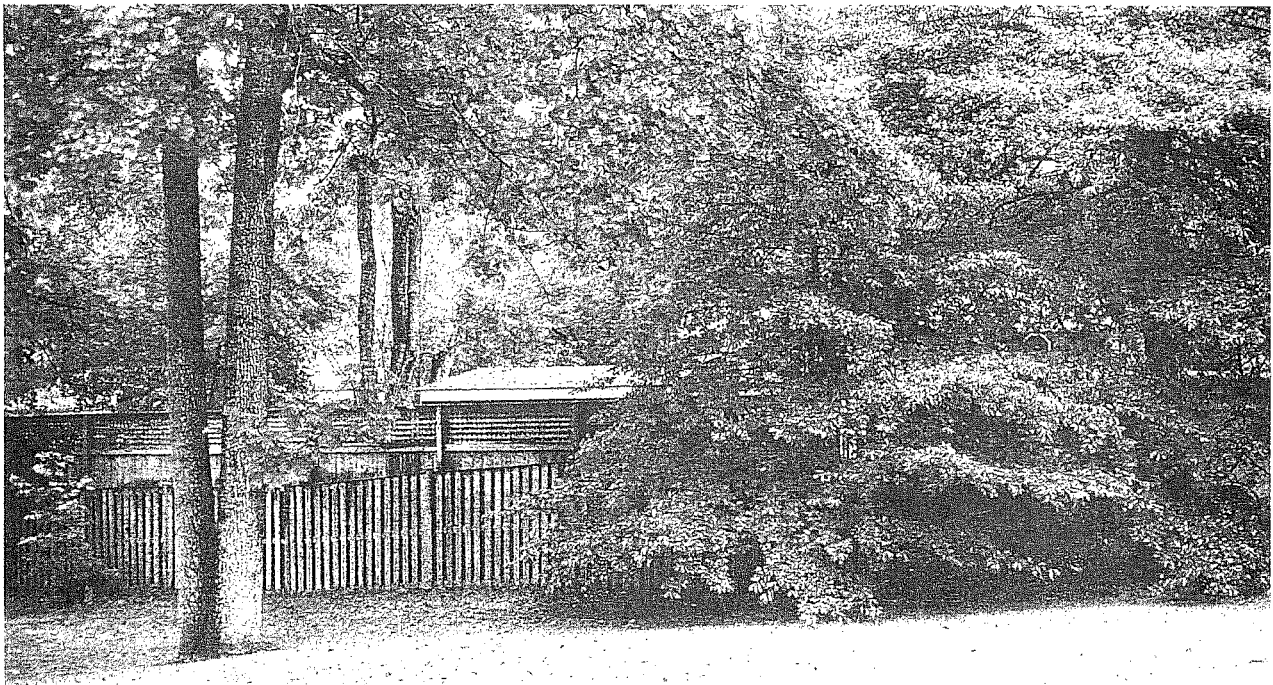
TAKEN FROM SABINE ST LOOKING NE

Zoning Evaluation Division

July 21st 2012



TAKEN FROM SABINE ST. LOOKING E



RECEIVED
Department of Planning & Zoning

JUL 23 2012

TAKEN FROM SABINE ST. LOOKING SE

Zoning Evaluation Division

TAKEN FROM SAGINE LOOKING N



July 21st 2012

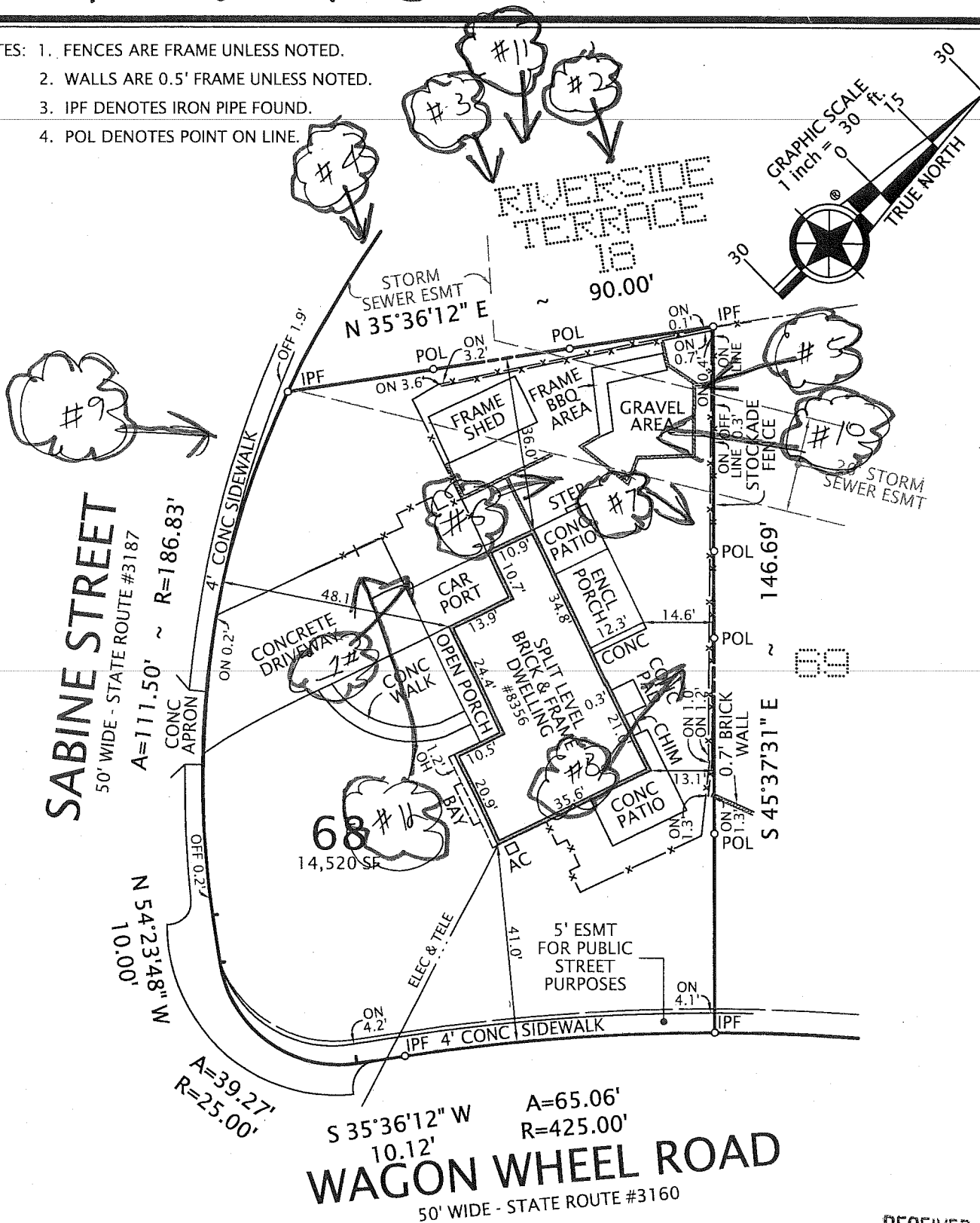
RECEIVED
Department of Planning & Zoning

JUL 23 2012

Zoning Evaluation Division

Picture REF GUIDE

- NOTES: 1. FENCES ARE FRAME UNLESS NOTED.
2. WALLS ARE 0.5' FRAME UNLESS NOTED.
3. IPF DENOTES IRON PIPE FOUND.
4. POL DENOTES POINT ON LINE.



WAGON WHEEL ROAD
50' WIDE - STATE ROUTE #3160

PLAT
SHOWING HOUSE LOCATION ON
LOT 68, SECTION 3
RIVERSIDE ESTATES

(DEED BOOK 1907, PAGE 319)

FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT

SCALE: 1" = 30' JANUARY 18, 2012 (SET POLS)

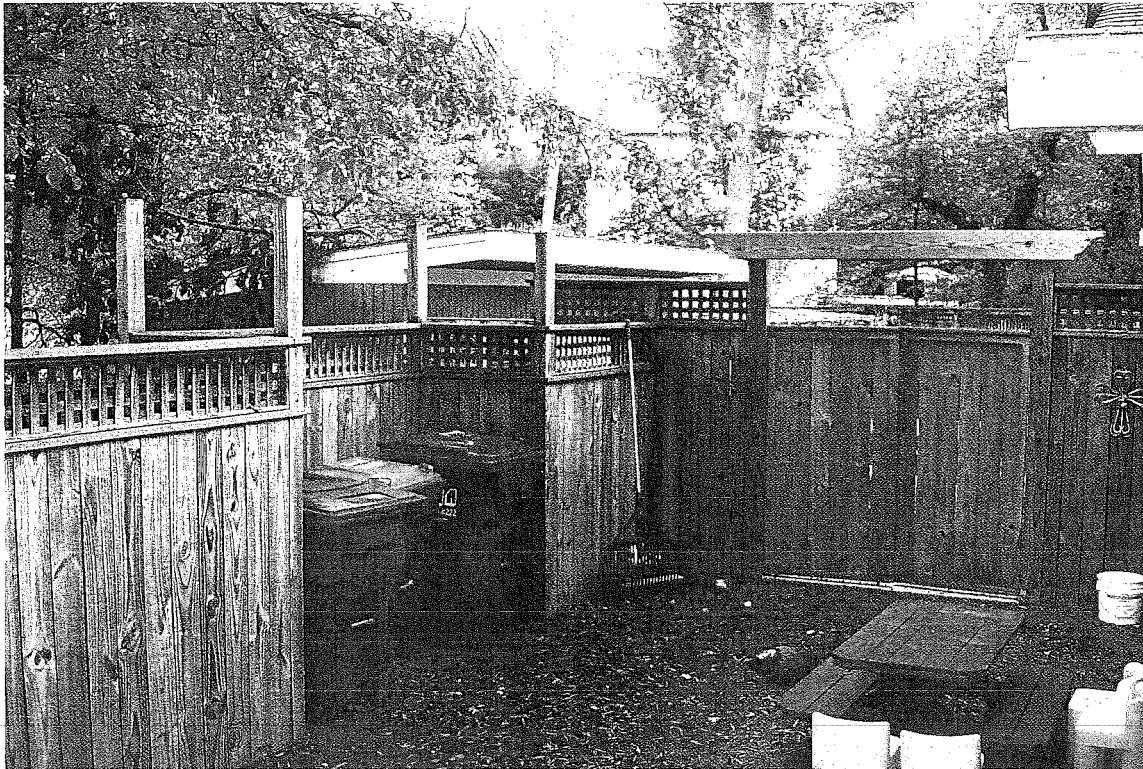
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Department of Planning & Zoning

SEP 16 2012

Zoning Evaluation Director

Picture #1 Driveway Looking N.

9/15/12

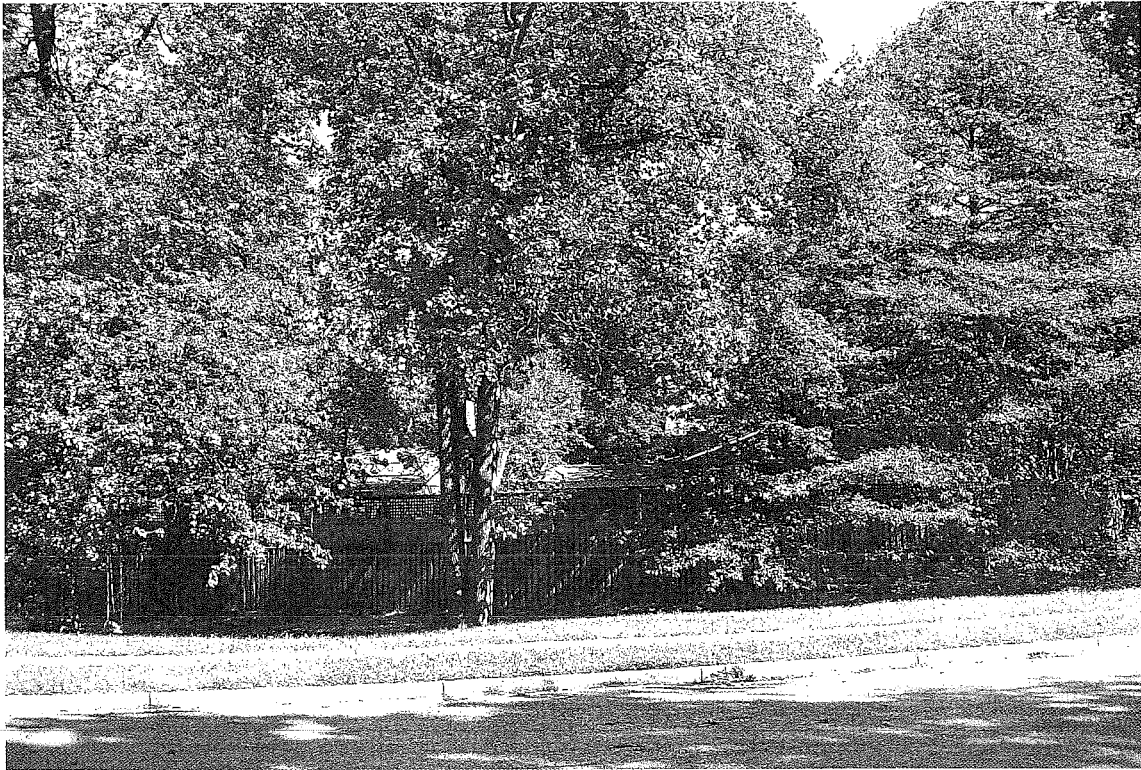


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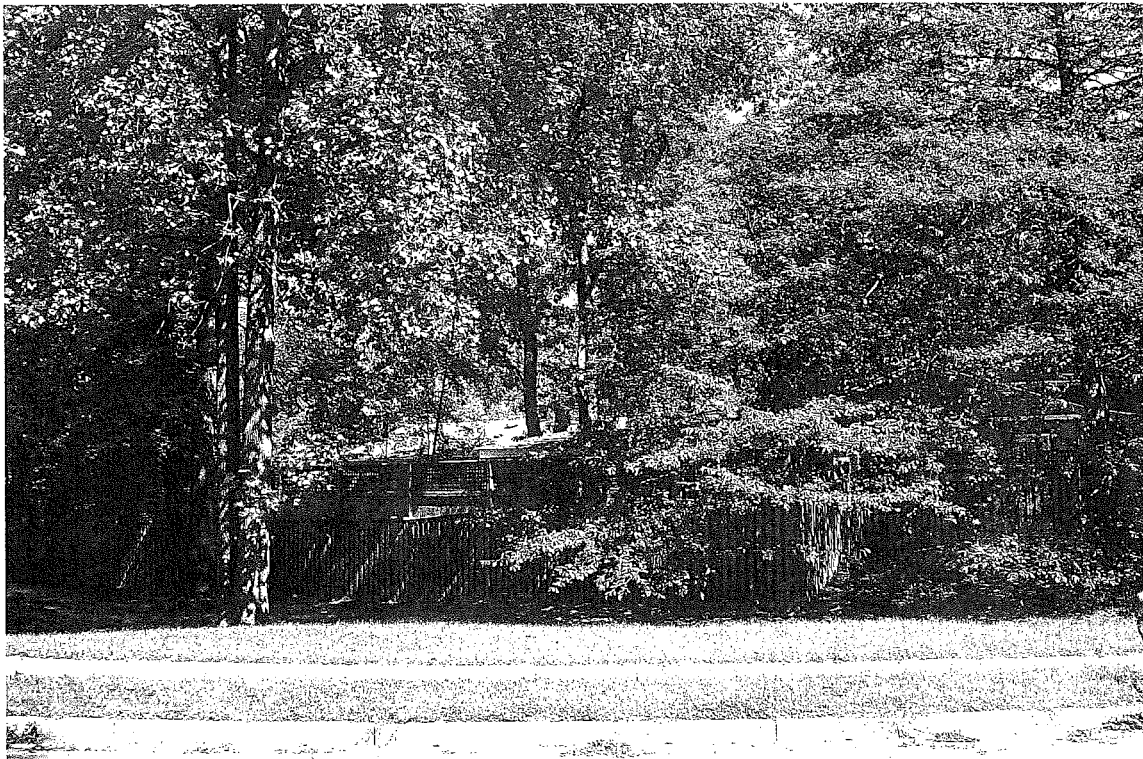


Picture #2 From SABINE Looking SE

Picture #3 From SABINE ST. looking SE 9/15/12

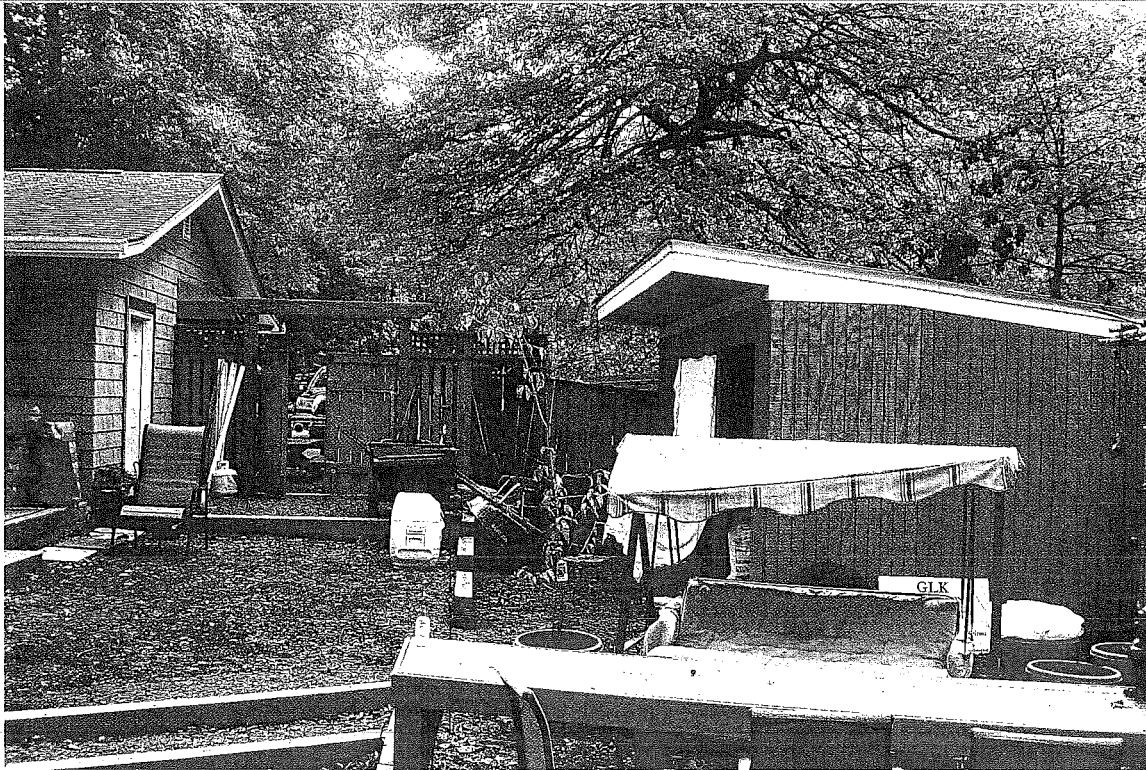


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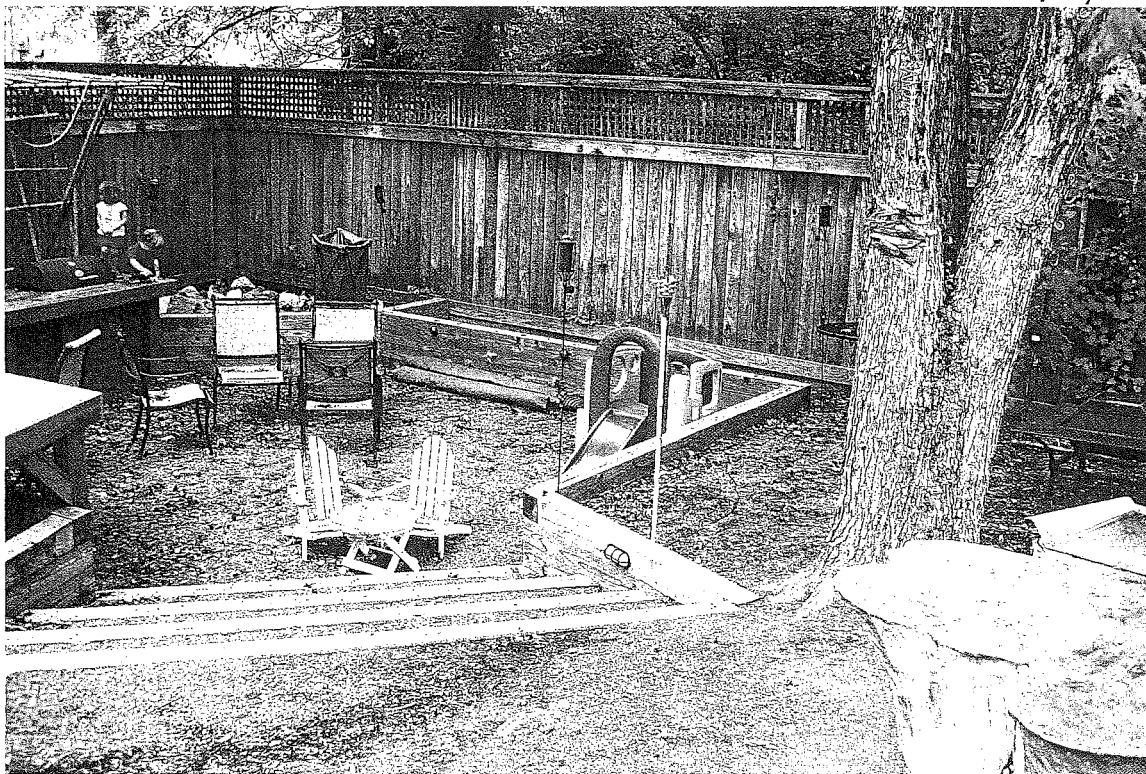


Picture #4 From SABINE ST. looking SE

Picture #5 From Backyard looking SW 9/15/12

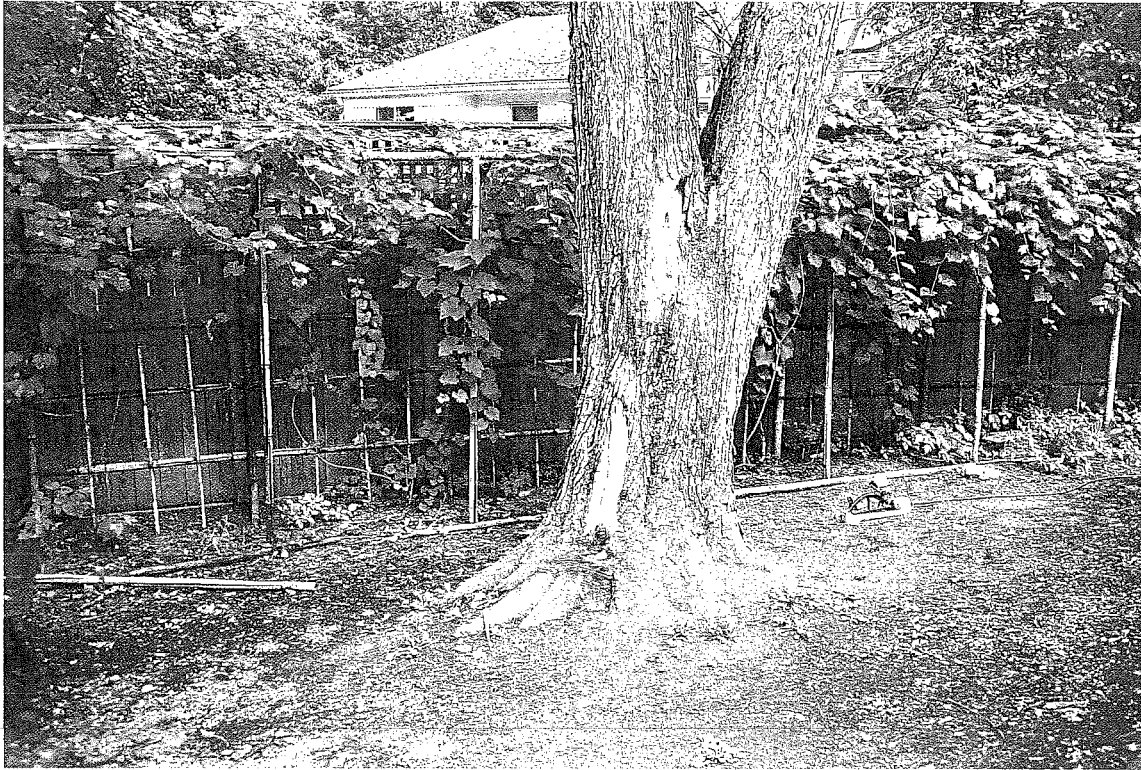


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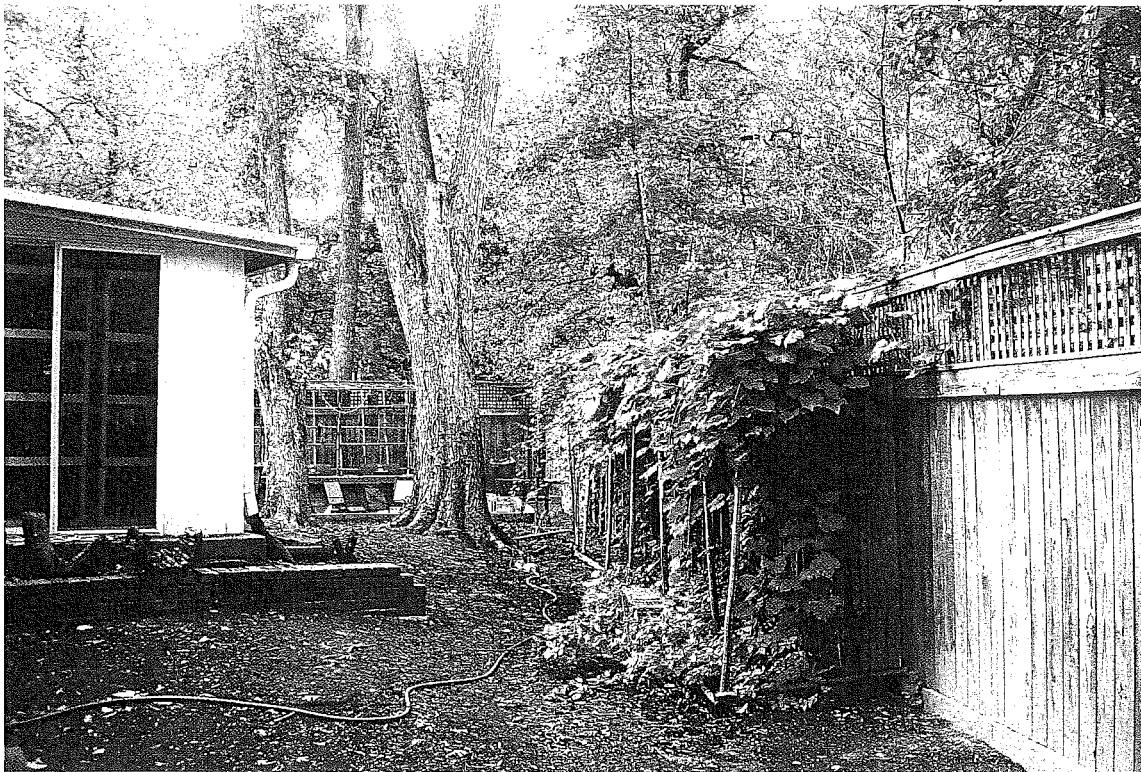


Picture #6 From Backyard looking NE

Picture #7 From Backyard Looking E 9/15/12

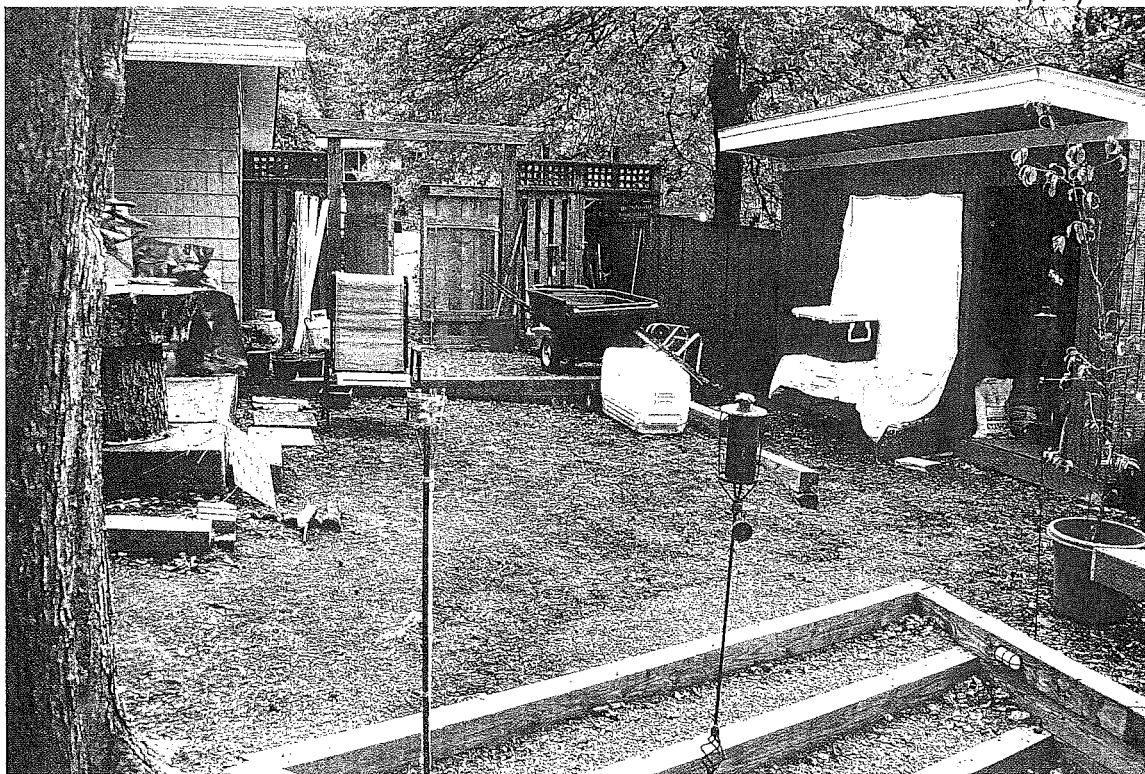
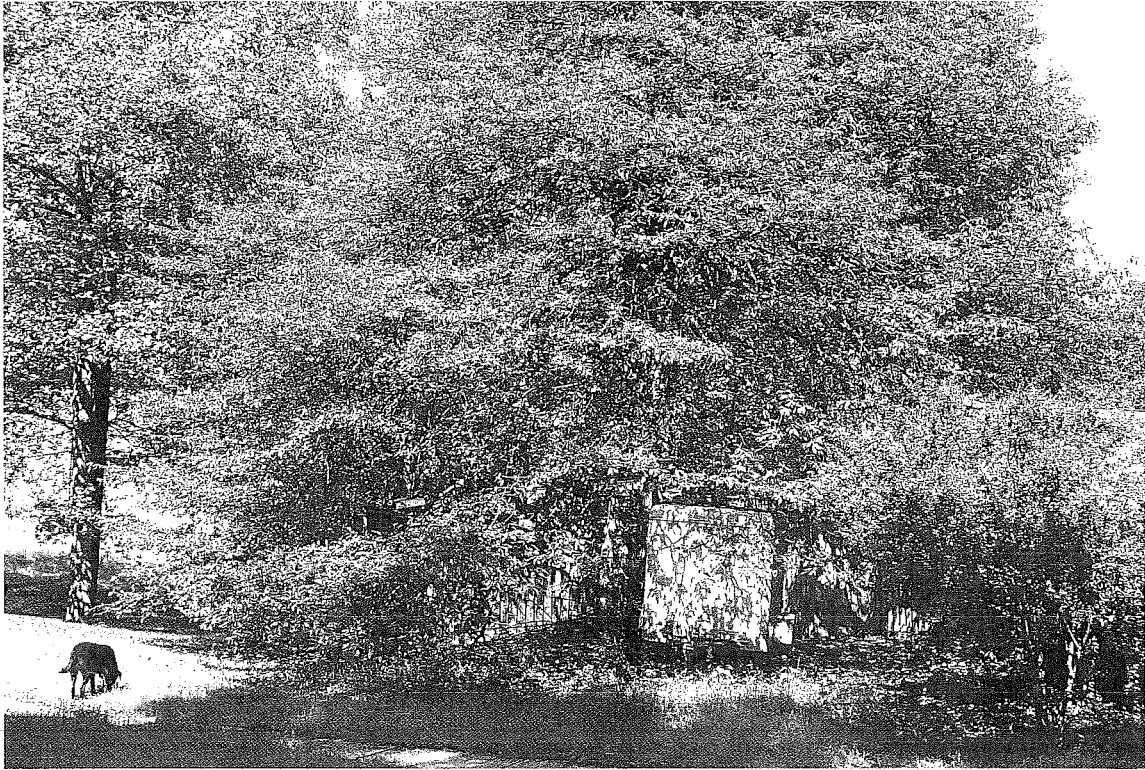


9/15/12



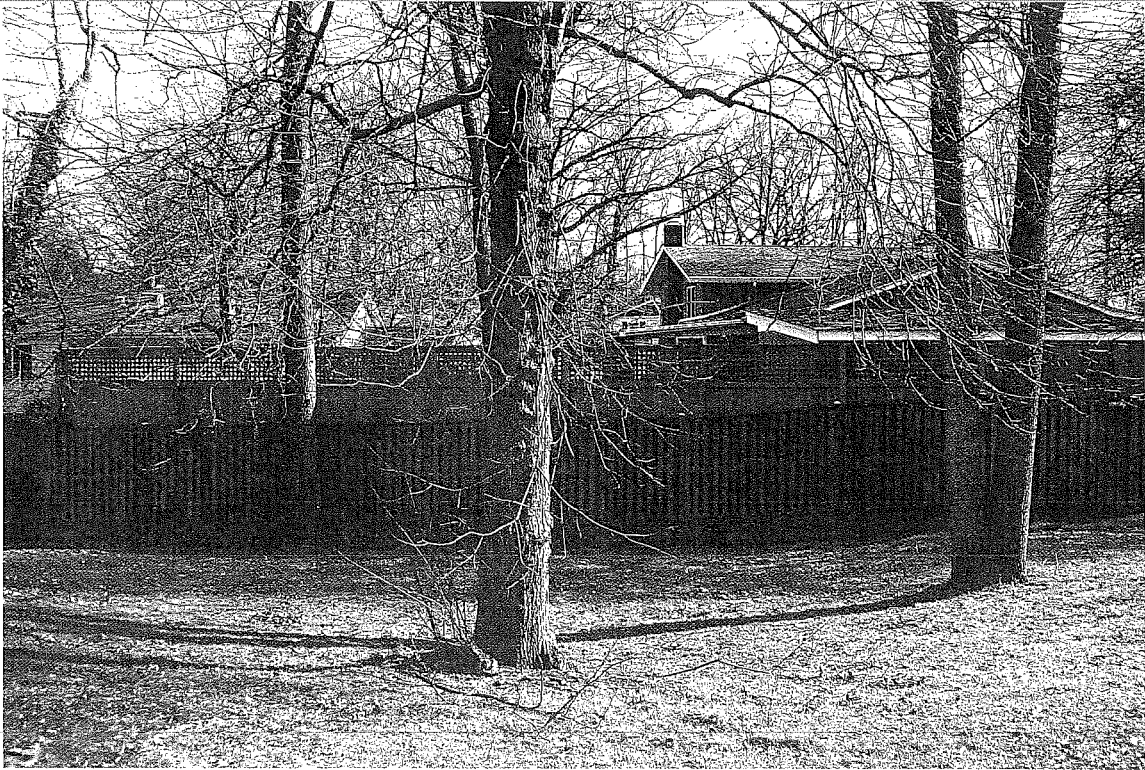
Picture #8 From Backyard Looking NW

Picture #9 Looking From SABINE St. NE 9/15/12

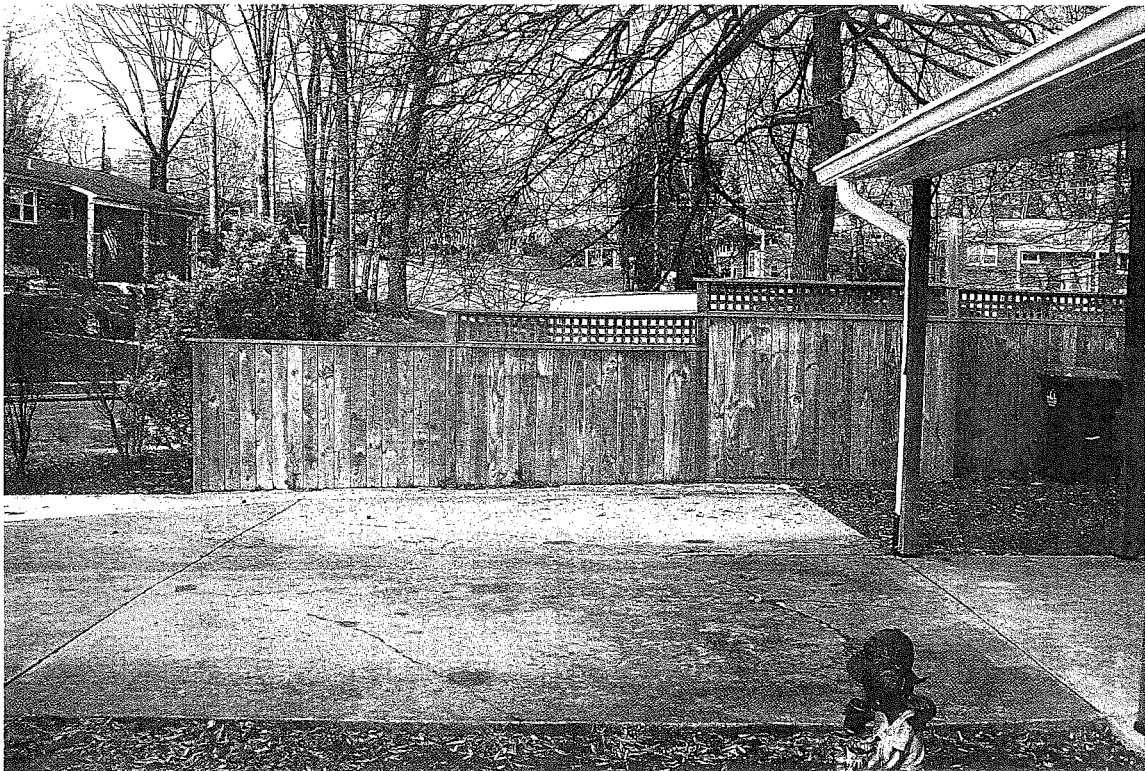


Picture #10 From Backyard Looking SW

Picture #11 From Sabine St. looking SE 9/15/12



9/15/12



Picture #12 From Front Yard looking NW

DESCRIPTION OF THE APPLICATIONS

Description of Special Permit Request

The applicant requests special permit approval for a reduction to the minimum yard requirements based on an error in building location to permit an accessory storage structure, a 10.0 foot high shed, to remain 3.4 feet from the rear lot line. The shed is located mostly within a storm drain easement in what is functionally used as a side yard on the property.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit Request	Shed	Rear	10.0 feet	3.4 feet	6.6 feet	66%

*Minimum yard requirement per Section 3-407

Description of Variance Requests

The applicant also requests variance approval to permit the above referenced accessory storage structure to be over 200 square feet in size. The shed is 213.06 square feet in size. Sect. 10-102.25 limits an accessory storage structure to a maximum of 200 square feet in the R-2 through R-20 Districts.

Additionally, the applicant is requesting fences, greater than 7.0 feet in height in the side and rear yards, and greater than 4.0 feet in height in the front yard to remain.

Structure	Yards	Height Permitted By right	Maximum Height Requested	Modification Requested
Fence	Rear and Side	7.0 feet	8.4 feet	1.4 feet
Fence	Front	4.0 feet	7.9 feet	3.9 feet

EXISTING SITE DESCRIPTION

The application property is developed with a split level brick and frame, single-family detached dwelling covered in vinyl siding. County records indicate that the dwelling was constructed in 1960. A bay window was constructed on the front façade of the property in 2007. A 10.0 foot high shed exists to the northwest of the dwelling. The property is a

corner lot; therefore it has two front yards, one located on Wagon Wheel Street and one located on Sabine Street. Access to the site is provided from Wagon Wheel Drive via an existing concrete driveway. An attached carport exists on the south west of the dwelling. An open front porch is connected to the driveway via a walkway. A concrete patio is located to the east of the dwelling and an enclosed porch and another concrete patio exists to the northeast of the dwelling. A mulched area and barbeque area are located to the northwest of the dwelling. Fences ranging from 5.9 feet in height to 8.4 feet in height exist on the rear and side property lines. Fences ranging from 4.6 feet in height to 7.9 feet in height exist in the front yard. A 20 foot wide storm water easement is located to the northwest of the dwelling. A five foot easement for public street purposes exists on the southern front and eastern front lot lines. The rest of the yard consists of a well-manicured lawn, and mature trees and shrubs.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single family detached dwellings
South	R-3	Single family detached dwellings
East	R-3	Single family detached dwellings
West	R-3	Single family detached dwellings

BACKGROUND

A Notice of Violation (NOV) was issued to the applicant relating to this property on September 13, 2011. The NOV cited violations relating to an accessory fence exceeding four feet in the front yard, an accessory fence exceeding seven feet in the side or rear yard, an accessory storage structure exceeding 200 square feet in gross floor area, and an accessory storage structure located in the minimum required side yard (see Appendix 4).

Appeal Application A 2011-MV-039, pertaining to this same property was heard by the Board of Zoning Appeals on January 25, 2012. The nature of the appeal was a determination of a fence over four feet in height in the front yard, a fence exceeding seven feet in height in the side and rear yards, and an accessory storage structure, 9.5 feet in height and over 200 square feet in size, which was too close to the rear property line. The BZA ruled to uphold-in-part the determination of the Zoning Administrator in

regard to the fences. The BZA overturned the determination of the Zoning Administrator regarding the square footage of the shed. The BZA questioned whether the shed was great than 200 square feet in size. Please see Appendix 5 for the full Appeal report.

An Agreed Final Order was issued relating to this property on January 14, 2013 for the legal case *Eileen M. McLane, Fairfax County Zoning Administrator v. George L. Karsadi and Trisha D. Karsadi* (see Appendix 6).

Staff from the Department of Public Works and Environmental Services (DPWES) conducted a site inspection of the shed relating to its location in the storm drain easement. Staff contacted the property owner and advised him that the shed is not permitted in the easement and requested that it be removed (see Appendix 7).

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ZONING ORDINANCE REQUIREMENTS (See Appendix 8)

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 18-401 Required Standards for Variances

This special permit and variance are subject to Sects. 8-006, 8-903, 8-914, and 18-401 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 8. Subject to development conditions, the special permit and variance must meet these standards.

CONCLUSION

Because DPWES requires that the shed be removed from the storm drain easement, staff recommends that the special permit and the portion of the variance relating to the shed be denied. A shed less than 200 square feet in size and under 8 ½ feet in height can be located anywhere in the rear and side yards outside the easement, so the applicant has the potential to replace the existing shed with a smaller one.

If it is the intent of the BZA to approve the variance application for the fences, staff recommends the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Variance Development Conditions
2. Applicant's Affidavits
3. Applicant's Statement of Justification
4. Notice of Violation dated September 13, 2011
5. Appeal A 2011-MV-039 Staff Report
6. Agreed Final Order dated January 14, 2013
7. Department of Public Works and Environmental Services Comments dated April 9, 2013
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

VC 2012-MV-007

April 17, 2013

1. This variance is approved for the location and height of the fences as shown on the plat prepared by Dominion Surveyors Inc., dated August 28, 2012, as submitted with this application, and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Application No.(s): SP 2012-MV-077
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/2/12
 (enter date affidavit is notarized)

I, George L. Karsadi, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

117251

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
George L. Karsadi	8356 Wagon Wheel Road, Alexandria, VA 22309	Applicant/Title Owner
Trisha D. Karsadi	(same)	Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2012.MV-077

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/2/12
(enter date affidavit is notarized)

117251

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No(s):

SP 2012-MW-077

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

10/2/12

(enter date affidavit is notarized)

117 251

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-MV-077
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/2/19
(enter date affidavit is notarized)

117251

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2012-MV-077

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

10-2-12

(enter date affidavit is notarized)

117251

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[x] Applicant

[] Applicant's Authorized Agent

GEORGE L. KARSADI

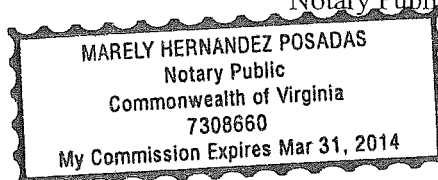
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 02 day of October 20 12, in the State/Comm. of VA, County/City of Fairfax.

Notary Public

My commission expires:

3/31/2014



Application No.(s):

VC 2012-MV-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13th 2012
(enter date affidavit is notarized)

I, George L. Karsadi, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

118738

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
George L. Karsadi	8356 Wagon Wheel Road, Alexandria, VA 22309	Applicant/Title Owner
Trisha D. Karsadi	(same)	Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

VC 2012-MV-007

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13th 2012

(enter date affidavit is notarized)

118738

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

VC 2012-MV-007

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13th 2012
(enter date affidavit is notarized)

118738

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

VC 2012-MV-007
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13th 2012
(enter date affidavit is notarized)

118738

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

VC 2012-MV-007
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 13th 2012
(enter date affidavit is notarized)

118738

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

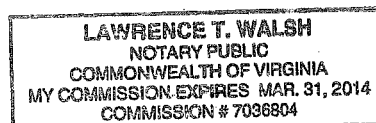
GEORGE L. KARSADI

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13th day of November 2012, in the State/Comm. of Virginia, County/City of Fairfax.

Lawrence T. Walsh
Notary Public

My commission expires: 03/31/2014



September 10, 2012

Application for a Variance
Dept of Planning & Zoning
Re: Written Statement of Justification (Zoning Ordinance Standards)
8356 Wagon Wheel Rd.
Alexandria, VA 22309

RECEIVED
Department of Planning & Zoning
SEP 10 2012
Zoning Evaluation Division

To Board of Zoning Appeals:

I am writing to you to describe in detail an explanation of the zoning standards and how these standards are met. I am admitting that I obtained the property in good faith. My wife and I purchased the property in 2007 through all the legal standards of buying a home. We have been paying all our loan obligations and county tax obligations the entire time, on time. Second, I would like to mention that my property at 8356 Wagon Wheel Rd. has an exceptional topographic and shape condition that makes it problematic when trying to place a shed or build a privacy fence. These are the two conditions that plague my property that ultimately lead to construction that is in violation with zoning guidelines.

I would also like to state that the subject property is not so general or occurring in nature that would make reasonably practicable the formulation of a general regulation to be adopted as an amendment. This property is an exceptional condition that warrants special building techniques to produce a positive outcome for the home and neighborhood value. The application of the Ordinance on the subject property would produce undue hardship. Be it economic or psychological hardship, this strict application of the ordinance would also produce insecurity and safety concerns that overreaches hardship. I believe this to be the case here. I have no area in the yard to install a shed other than the area it is located now. I installed the shed to be aesthetically pleasing to the proportions of the home. The shed lines up with the exterior wall and is precisely perpendicular to the existing home. Removing the shed would create a burden that would affect my family and me financially in three ways. First removing the shed itself has its own value, second, the appeal and value taken away from an already underwater mortgage would only hit another nerve. Lastly, the security of valuable stored items would be at risk.

That brings me to the fence height. The removal or modification to an already existing condition would create a monumental hardship. The fence was built to give security, privacy and increase property value. It was not meant to be an eyesore or effect surrounding property values negatively. When I purchased the home 5 years ago the existing fence height coinciding with an exceptional topographic condition in the back/side yard did not lend itself to a secure yard with some degree of privacy. What is built in its place is a secure, aesthetically pleasing privacy fence. In order for that to happen, there are places in the yard, which exceeds 7'-0 in height.

If the strict application of the Zoning Ordinance was enforced it would unreasonably restrict the utilization of the property because it would make for an area that was not secure or private to have my children play by himself and herself. It will also leave valuables exposed and a means of entering into my property at ease. The sloping, dipping topography of my side/rear yard creates issues that are not seen with other properties. The authorization of the variance will not be detrimental to any adjacent property owner. To the contrary, I have a signed petition from all the surrounding neighbors and they have no issue with the fence or shed. In fact when I mentioned I might have to remove these items because of zoning regulations they were saddened that the beauty that I made in the neighborhood could be removed.

In conclusion, I do not see that the character of the zoning district will change with the granting of this variance. I have already seen this type of construction with quality materials and workmanship throughout the district and do not see my fence and shed as anything extraordinary that would change the character of the district at all.

Lastly, the issuing of the variance will be in harmony with the intended spirit of the Ordinance and will not be contrary to the public interest. To restate, I have a petition from all the surrounding neighbors that my shed in fence is in their interest because it is in harmony with the landscape/home design and it increases their value on the home and appeal in the neighborhood. Please keep in mind that the variance I am asking for is to keep an already existing structure/s in place. The fence and shed are not outrageously built that it is a negative aspect to the county. These structures are from a few inches to a foot from being compliant.

I thank you in advance for any consideration you may give with regards to this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Karsadi', written in a cursive style.

George Karsadi



County of Fairfax, Virginia

Return Copy

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: September 13, 2011

SHERIFF'S LETTER

CASE #: 2011-01425 **SR#:** 69557

SERVE: George L. Karsadi
Trisha D. Karsadi
8356 Wagon Wheel Road
Alexandria, Virginia 22309

LOCATION 8356 Wagon Wheel Road
OF VIOLATION Alexandria, Virginia 22309-2154
Tax Map Ref: 101-4 ((17)) 68
Zoning District: R-3

Dear Property Owners:

An inspection of the above referenced property on May 3, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-104 (3B) Accessory Fence Exceeding 4' in the Front Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of a more than four (4) feet tall accessory fence in the front yard of this property which is less than two (2) acres in area. A portion of the fence along the side lot-line abutting the driveway, extends into the front yard past the front façade of the dwelling. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.

B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

(1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and

(2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

~~The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.~~

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Therefore, as this accessory fence exceeds four feet (4') in height in the front yard contrary to the provisions of Par. 3B of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3B of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation **within fifteen (15) days** of the date of this Notice. Compliance can be accomplished by:

- Removing the fence from the property in its entirety; or
- Reducing the height of the fence to **four feet (4') in the front yard**.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory fence to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

§ 10-104 (3C) Accessory Fence Exceeding 7' in the Side or Rear Yard

§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of a nine (9) feet tall fence in the side and rear yards of this property. The Fairfax County Zoning Ordinance permits accessory fences in the side or rear yard so long as they are in conformance with Par. 3C of Sect. 10-104 of the Zoning Ordinance which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

In any side or rear yard on any lot, a fence or wall not exceeding seven (7) feet in height is permitted. However, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, is permitted:

- (1) In any side or rear yard of a reverse frontage lot; or
- (2) For that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, where such open space is located between the lot line and the major thoroughfare.

Therefore, as this accessory fence exceeds seven feet (7') in height in the side and rear yards contrary to the provisions of Par. 3C of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3C of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation **within fifteen (15) days** of the date of this Notice. Compliance can be accomplished by:

- Removing the fence from the property in its entirety; or
- Reducing the height of the fence to **seven feet (7') in the side and rear yards.**

*BZA did
not uphold*

§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in GFA
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure (shed) which measured approximately two hundred and fifty (250) square feet in area on this property which is zoned R-3. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance which permits:

Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-3 District, you are in violation of Par. 25 of Sect. 10-102 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation **within fifteen (15) days** of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the square footage of this accessory storage structure so it does not exceed 200 square feet in area.

§ 10-104 (10E) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure (shed) which measured approximately nine (9) feet in height, is approximately two hundred and fifty (250) square feet in area and is located approximately one (1) foot from the side lot lines.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10E of Sect. 10-104 of the Zoning Ordinance which states:

An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R- 3 District is twelve (12) feet as detailed in Par. 2.A. (1) (b) of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10E of Sect. 10-104 above, it is in violation of Par. 10E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation ~~within fifteen (15) days~~ of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

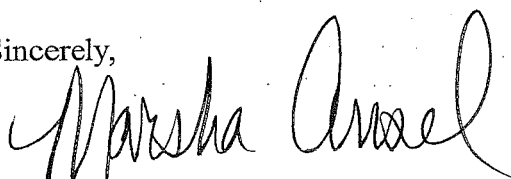
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals

George L. Karsadi
Trisha D. Karsadi
September 13, 2011
Page 6

(BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-9323, Monday through Thursday, weekdays.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marsha Ansel".

Marsha Ansel, MPH
Code Compliance Investigator
Property Maintenance and Zoning Inspector
Environmental Health Specialist II
Assistant Fire Marshal, Inspections

☐ PERSONAL SERVICE

☒ Being unable to make personal service a copy was delivered in the following manner:

☐ Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of it's purport. List name, age of recipient, and relation of recipient to party named above.

☒ Posted on front door or such other door as appears to be the main entrance of usual place of abode. Address listed above. (Other authorized recipient not found)

☐ Served on a Secretary of the Commonwealth

☐ Not found

S.S. Gonzales

SERVING OFFICER

Stan G. Barry, Sheriff
for Fairfax County, VA

9-14-11

DATE

☐ PERSONAL SERVICE

☒ Being unable to make personal service a copy was delivered in the following manner:

☐ Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of it's purport. List name, age of recipient, and relation of recipient to party named above.

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☐ Served on a Secretary of the Commonwealth

☐ Not found

S.S. Gonzales

SERVING OFFICER

Stan G. Barry, Sheriff
Fairfax County, VA

9-14-11

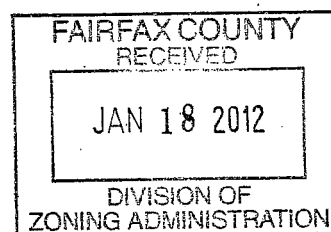
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**FAIRFAX
COUNTY****BOARD OF ZONING APPEALS****PUBLIC HEARING DATE:** January 25, 2012**TIME:** 9:00 a.m.

V I R G I N I A

January 18, 2012**STAFF REPORT****APPEAL APPLICATION A 2011-MV-039****MOUNT VERNON DISTRICT****APPELLANT:**

George Karsadi

LOCATION:

8356 Wagon Wheel Road

TAX MAP REF:

101-4 ((17)) 68

ZONING DISTRICTS:

R-3

SITE AREA:

14,520 sq. ft.

NATURE OF APPEAL:

Appeal of a determination that appellant has erected a fence exceeding four feet in height in the front yard, a fence exceeding seven feet in height in the side and rear yards, and an accessory storage structure that does not meet the size or location requirements all on property in the R-3 District in violation of Zoning Ordinance provisions.

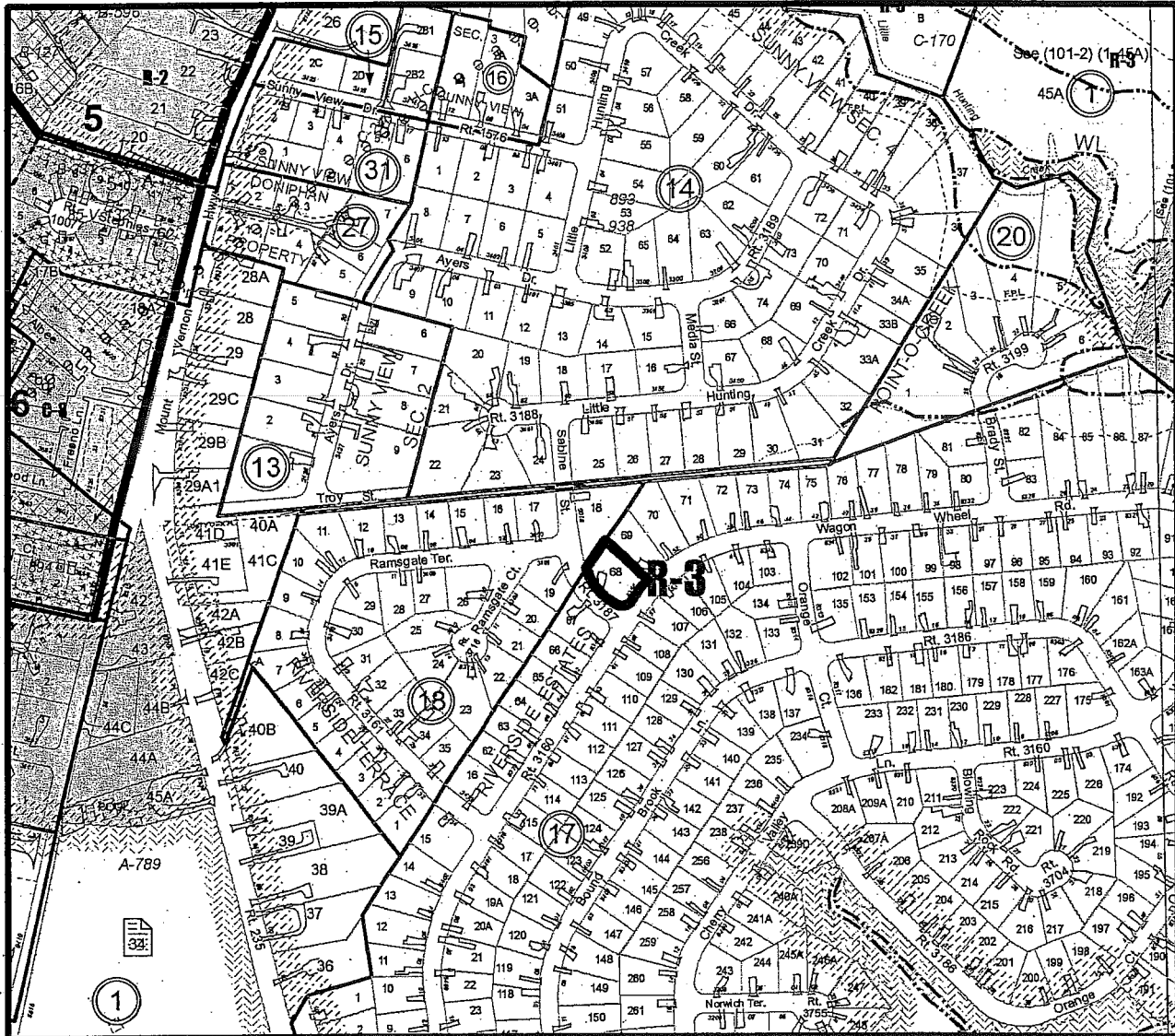
JGC

For information, contact the Zoning Administration Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035-5505, 703-324-1314.

APPEAL APPLICATION

A 2011-MV-039

GEORGE KARSADI, A 2011-MV-039 Appl. under sect(s). 18-301 of the Zoning Ordinance. Appeal of a determination that a fence exceeding four feet in height located in the front yard, a fence exceeding seven feet in height located in the side and rear yards and an accessory storage structure that does not meet size or location requirements all on property in the R-3 District are in violation of Zoning Ordinance provisions. Located at 8356 Wagon Wheel Rd., Alexandria, VA 22309-2154, on approx. 14,520 sq. ft. of land zoned R-3. Mount Vernon District. Tax Map 101-4 ((17)) 68.



0 130 260 520 780 1,040 Feet

DESCRIPTION OF APPEAL**Appellant:**

George Karsadi

Issue:

Appeal of a determination that appellant has erected a fence exceeding four feet in height in the front yard, a fence exceeding seven feet in height in the side and rear yards, and an accessory storage structure that does not meet the size or location requirements all on property in the R-3 District in violation of Zoning Ordinance provisions.

Property Description:

The property that is the subject of this appeal is a corner lot located at 8356 Wagon Wheel Road in the Riverside Estates subdivision. The property is zoned R-3, Residential District, Three Dwelling Units Per Acre, and consists of 14,520 square feet of land area. The property is developed with a split-level single family dwelling constructed in 1960, a carport, and a shed located in the rear yard. A copy of the zoning map sheet showing the subject property is provided on the previous page.

Appellant's Position:

The appellant's application and basis for appeal are set forth in Attachment 1.

ZONING ORDINANCE PROVISIONS

The provisions of the Zoning Ordinance which are germane to this appeal are listed below. The complete text of these provisions is enclosed as Attachment 2.

- Par. 6, Sect. 2-302, Permitted Uses
- Par. 25, Sect. 10-102, Permitted Accessory Uses
- Par. 4, Sect. 10-103, Use Limitations
- Par. 3B, 3C and 10, Sect. 10-104, Location Regulations

BACKGROUND

- County records reflect that the subject property was initially developed pursuant to Building Permit No. A-5077, which was issued on October 24, 1960 for the construction of a one family dwelling on the property. Copies of Building Permit No. A-5077 and its associated plat are provided as Attachment 5. Building Permit No. 7213003 was issued on August 1, 2007 for the framing and installation of box windows on the front of the dwelling. No additional building permits were located in zoning records.

- The subject property was conveyed to the appellant and Trisha D. Karsadi at Deed Book 19409, Page 1206 on June 21, 2007. A copy of the deed is provided as Attachment 3.
- On March 28, 2011 a complaint was received by the Department of Code Compliance alleging the operation of a business in a residential district and the existence of multiple commercial vehicles, some parked in the front yard of the property. The complaint also referenced a large shed on the property. A inspection conducted on May 3, 2011 by Property Maintenance and Zoning Enforcement Inspector Marsha Ansel revealed a storage trailer parked on the grass in the front yard as well as fencing in excess of four feet in height in the front yard and seven feet in height in the side and rear yards. In addition, the inspection revealed a storage shed in excess of 200 square feet. Photographs from the May 3, 2011 inspection and a subsequent inspection on May 18, 2011 are provided as Attachment 4. Based on the inspection, a Notice of Violation (NOV) was issued to the owners on May 12, 2011. That NOV was appealed, but the appeal was administratively withdrawn when the NOV was rescinded and reissued on September 13, 2011 in order to include the fencing in excess of four feet located in the front yard.
- The appeal application was received on October 11, 2011, accepted on October 17, 2011 and scheduled for public hearing for the morning of January 25, 2012.

ZONING ADMINISTRATOR'S POSITION

This is an appeal of a determination that the appellant has erected a fence exceeding four feet in height in the front yard, a fence exceeding seven feet in height in the side and rear yards, and an accessory storage structure that does not meet the size or location requirements all on property in the R-3 District in violation of Zoning Ordinance provisions.

Photographs No. 4, 6, 15, 16, 18 provided in Attachment 4 clearly show fencing in excess of four feet in the front yard, while Photographs No. 2, 6, 9-13, 30, 21, 26 and 28-30 clearly show fencing in excess of seven feet in the side and rear yards. The appellant does not dispute that there are portions of fencing in the front yard in excess of four feet in height and portions of fence in the side and rear yards in excess of seven feet in height. The appellant states that the fencing on the property was erected in its current configuration due to topography and safety concerns. Regardless of the topography of the property, fence height is measured from ground level to the top of the fence and must adhere to the maximum heights set forth in Par. 3 of Sect. 10-104 of the Zoning Ordinance. The appellant states in his appeal that a determination should be made regarding which portions of fence can remain and which must be removed or reduced. That information is provided in the NOV, which clearly states the location of the fencing that exceeds the maximum permitted heights as well as the remedies for resolving the violations. In addition, the Deputy Zoning Administrator for Appeals discussed this issue with the appellant and Ms. Ansel has offered to meet on-site with the appellant to locate exactly where the fence is in violation. If there are topography or safety or aesthetic concerns on the part of a property owner, it may be possible to obtain a special permit for an increase in fence and/or wall height in any front yard to permit a fence in the front yard up to six feet in height or a variance from the maximum permitted fence heights in the side and rear yards to exceed seven feet in height.

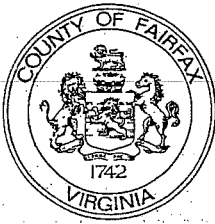
The appellant also appears to indicate that the fence is a solid wood fence, and is therefore permitted to be eight feet in height. Pursuant to Par. 3C of Sect. 10-104 of the Zoning Ordinance, a solid wood fence not exceeding eight feet in height is permitted in any side or rear yard only on a reverse frontage lot, which the subject property is not, or for that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, which the subject property is/does not.

The appellant states that the size of the shed was incorrectly measured by Ms. Ansel, and is actually only 200 square feet in area. During the May 3, 2011 inspection, the shed was measured to be approximately 250 square feet. The appellant further states that the shed is permitted in its current location, as it is only 8.5 feet in height at the lower end of its roof. However, pursuant to Par. 4 of Sect. 10-103 of the Zoning Ordinance, for the purposes of determining height, the height of an accessory structure shall be measured from the highest point of the structure to the lowest point of finished ground level adjacent to the structure. Because the shed is greater than 8.5 in height given the required method of measurement, it must be located a minimum distance of 12 feet from the side lot line and a distance equal to its height from the rear lot line. The appellant acknowledges in his appeal that the shed reaches a height of 9.5 feet. Photographs 31-35, provided in Attachment 4, demonstrate the height, size, and location of the shed. Photograph 33 specifically shows that the shed extends above the adjacent nine-foot high fence. At the May 3, 2011 inspection, it was determined that the shed is located approximately one foot from the side lot line, regardless of its area. Staff also notes that sheds greater than 200 square feet in area require the issuance of a building permit, which was not obtained by the appellant. As with the fence, it may be possible for the appellant to obtain approval of a special permit in order for the shed to remain in its current location.

As noted above, the appellant does not dispute that portions of fencing in the front, side and rear yards exceeds the maximum fence heights permitted by the Zoning Ordinance. In addition, the height of the shed when measured in accordance with Zoning Ordinance requirements requires the structure to be located at least 12 feet from the side lot line and to obtain building permit approval. Staff therefore recommends that the Board of Appeals uphold the Zoning Administrator's determination as set forth in the NOV dated September 13, 2011.

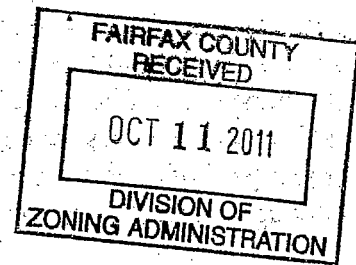
ATTACHMENTS:

1. Appellant's application and basis for appeal
2. Zoning Ordinance provisions
3. Copy of deed
4. Photographs taken during May 3, 2011 and May 18, 2011 inspections
5. Building Permit No. A-5077 and associated plat



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR APPEAL

Please type or
Print in Black Ink



APPLICATION NO. A2011-MV-039

(Assigned by Staff)

NAME OF APPELLANT: George Karsadi

NATURE OF THE APPEAL:

Due to topography and safety concerns and the location where the fence and shed are built with regards to their height should be allowed. I also consider the fence to be a solid wood fence. Secondly the height of the shed and its square footage size is also being appealed due to errors in the inspection. Please see attached letter for more information.

DATE OF ORDER, REQUIREMENT, DECISION, DETERMINATION OR NOTICE OF VIOLATION WHICH IS SUBJECT TO THE APPEAL September 13th 2011

HOW IS THE APPELLANT AN AGGRIEVED PERSON?:

Please see attached letter for more information about my grievance.

IF APPEAL RELATES TO A SPECIFIC PROPERTY, PROVIDE THE FOLLOWING INFORMATION:

POSTAL ADDRESS OF PROPERTY: 8356 Wagon Wheel Rd. Alexandria, VA 22309

TAX MAP DESCRIPTION: 101-4 (17) 68 Zoning Dist R-3

The undersigned has or has not (circle one) the authority to allow and does or does not (circle one) authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Type or Print Name of Appellant or Agent

George Karsadi

Signature of Appellant or Agent

[Signature]

Address

8356 Wagon Wheel Rd. Alexandria, VA 22309

Telephone No.

703-626-5262

Home

Work

Please provide name and phone number of contact person if different from above.

DO NOT WRITE IN THIS SPACE

Subdivision Name: Riverside Estates Lt. 108 Sec. 3

Total Area (Acres/Square Feet): 14,520 sq. ft.

Present Zoning: R-3

Supervisor District: Mt. Vernon

Date application received: 10/11/11

Application Fee Paid: \$ 600.00

Date application accepted: 10/17/11



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: September 13, 2011

SHERIFF'S LETTER

CASE #: 2011-01425 **SR#:** 69557

SERVE:

George L. Karsadi
Trisha D. Karsadi
8356 Wagon Wheel Road
Alexandria, Virginia 22309

**LOCATION
OF VIOLATION**

8356 Wagon Wheel Road
Alexandria, Virginia 22309-2154
Tax Map Ref: 101-4 ((17)) 68
Zoning District: R-3

Dear Property Owners:

An inspection of the above referenced property on May 3, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-104 (3B) Accessory Fence Exceeding 4' in the Front Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of a more than four (4) feet tall accessory fence in the front yard of this property which is less than two (2) acres in area. A portion of the fence along the side lot-line abutting the driveway, extends into the front yard past the front façade of the dwelling. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

Department of Code Compliance

12055 Government Center Parkway, Suite 1016

Fairfax, Virginia 22035-5508

Phone 703-324-1300 FAX 703-324-9346

www.fairfaxcounty.gov/code

- A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.
- B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:
- (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and
 - (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Therefore, as this accessory fence exceeds four feet (4') in height in the front yard contrary to the provisions of Par. 3B of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3B of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation **within fifteen (15) days** of the date of this Notice. Compliance can be accomplished by:

- Removing the fence from the property in its entirety, or
- Reducing the height of the fence to **four feet (4') in the front yard**.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory fence to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

§ 10-104 (3C) Accessory Fence Exceeding 7' in the Side or Rear Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of a nine (9) feet tall fence in the side and rear yards of this property. The Fairfax County Zoning Ordinance permits accessory fences in the side or rear yard so long as they are in conformance with Par. 3C of Sect. 10-104 of the Zoning Ordinance which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

In any side or rear yard on any lot, a fence or wall not exceeding seven (7) feet in height is permitted. However, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, is permitted:

- (1) In any side or rear yard of a reverse frontage lot; or
- (2) For that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, where such open space is located between the lot line and the major thoroughfare.

Therefore, as this accessory fence exceeds seven feet (7') in height in the side and rear yards contrary to the provisions of Par. 3C of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3C of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation **within fifteen (15) days** of the date of this Notice. Compliance can be accomplished by:

- Removing the fence from the property in its entirety; or
 - Reducing the height of the fence to **seven feet (7') in the side and rear yards.**
-

§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in GFA
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure (shed) which measured approximately two hundred and fifty (250) square feet in area on this property which is zoned R-3. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance which permits:

Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-3 District, you are in violation of Par. 25 of Sect. 10-102 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation **within fifteen (15) days** of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the square footage of this accessory storage structure so it does not exceed 200 square feet in area.

§ 10-104 (10E) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure (shed) which measured approximately nine (9) feet in height, is approximately two hundred and fifty (250) square feet in area and is located approximately one (1) foot from the side lot lines.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10E of Sect. 10-104 of the Zoning Ordinance which states:

An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum required side yard distance in the R-3 District is twelve (12) feet as detailed in Par. 2.A. (1) (b) of Sect. 3-307 of the Zoning Ordinance.

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10E of Sect. 10-104 above, it is in violation of Par. 10E of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation **within fifteen (15) days** of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 10E of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

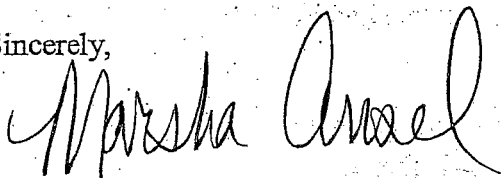
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals

George L. Karsadi
Trisha D. Karsadi
September 13, 2011
Page 6

(BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-9323, Monday through Thursday, weekdays.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Ansel". The signature is fluid and cursive, with the first name "Marsha" and last name "Ansel" clearly distinguishable.

Marsha Ansel, MPH
Code Compliance Investigator
Property Maintenance and Zoning Inspector
Environmental Health Specialist II
Assistant Fire Marshal, Inspections

October 11th, 2011

Zoning Administrator

Zoning Admin Division

Dept of planning and zoning

12055 Govt. Center Parkway, Suite 807

Fairfax, VA 22035

Re: Case #:2011-01425 SR#:69557 - Signed Statement

The violations that are subject to appeal from Case #:2011-01425 SR#:69557 are (1) Accessory Fence exceeding 7' in the side or rear yard. (2) Accessory Storage Structure Location, size exceeding 200sf and/or height. (3) Accessory Fence exceeding 4' in the front yard.

The date of the violation being appealed was written on September 13th 2011.

Grounds for the appeal are as follows;

The fence height along the back and side yard is being appealed because of the topography of the land and the safety of my family. The height of the fence varies from below 7'-0 to above 7'-0 all over the back yard. The land drops dramatically down when at the property line. I view the fence as being a solid wood fence 6'-0 - 8'-0 tall (which zoning allows) with a lattice ornamental top. Though some areas may be slightly taller than 7'-0, I do not believe I should modify the entire fence. A determination should be met to decide which portion must be removed and what portion can remain at its present height based on its location and affected adjacent homeowners. With that said, the fence does not affect adjacent property owners and backs up to a wooded area yard (see picture #1). The picture clearly shows that the fence has no negative impact on any neighbor and cannot be seen from the road or a house. It also shows without a doubt how without the fence one could easily sneak into a property undetected and vanish into the woods.

The fence height along the driveway located in the front yard is a small 10'-0 section that is 4'-6" high. The driveway runs at a slope leading to the street and the fence was built level along the top and did not follow the contour of the driveway. A portion of the fence has lattice on top so that to block the view of trash cans from the street. I am on a corner lot and this height does not obstruct any views and was not a source of a complaint.

The shed height and size is being appealed because the shed has a sloped roof and is not bigger than required. At the lower end the height is at 8'-6" and the upper end of the sloped roof is at 9'-6" in height; which is 12'-0" from the side property line. The size of the shed is also smaller than noted on the violation. I believe the shed height is correct based on its location to the side property line. The shed size as it stands is correct by actual dimensions of 10x20-200sf, not 12x20. Again, this was not the source of any complaint.

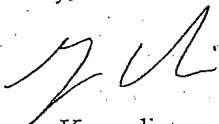
I, the appellant, am grieved by these three decisions because due to the extreme slope of the property's back corner and the privacy/security issue that it posed, I will be placing my family at risk for harm and my valuables at risk for theft (see picture #2). The picture was taken from my patio, which is situated right out my kitchen door. You can clearly see in the picture how the land slopes down and was open to would be criminals. I had also removed some soil as to make a sunken pit on the inside, which is lower than the fence on the outside. The picture also shows how my neighbors yard dramatically slopes upward to a clear viewing point from the street and yard. In the far

background is an opening into the woods where people walk through when cutting into my neighborhood. When my wife and I bought the property in 2007, the existing fence height did not stop trespassers and burglars from entering my property. The dipped slope of the backyard corner gives clear view to strangers of my valued belongings and family with the original height. The original fence was built at the lower portion of the sloped yard, which means if the original fence were built a foot in from the property line it would be higher. Which is the case with the new fence that I built in front of the old one. The land popped up at least 8" from the property line and I built my new fence on that existing land topography. In other words, if I removed my new fence the existing fence would be about 5'-0" high on the inside of the property and 6'-0" on the outside. But if I moved the fence in a foot then it would be 6'-0" high on the inside and outside. The sloping land at the property line is the issue here.

Furthermore, this violation notice also grieves me because I am a proud parent of two one-year-old twin toddlers. My wife stays at home and cares for them, as I am the only breadwinner. In our neighborhood, we have had multiple break-ins during the day and some were a few doors down from my home. We back up to another neighborhood of which people cut through into our neighborhood and they can clearly see into my property and home from the rear every time they walk by. I installed the fence for my family's security and do not want to become a victim to a home invasion due to the ease of entering my property from this vulnerable location of the yard. Lowering the fence will place my family at risk, my home subject to burglary, and will diminish my property's value greatly. Not to forget the cost for re-altering the fence. Please note that no homeowner adjacent to my property or around the area of my property is complaining about the fence height and/or location. This was only noticed when my property became scrutinized by the county over a false complaint.

With regards to the shed height/size and its proximity to the property line, I believe that its height and proximity is within zoning regulations. The sloped roof of the shed is at 8'-6" at the low end (2'-0") from the property line and gradually increases in height as it moves into the property. At its maximum height of 9'-6" it is 12'-0" from the side lot line. The back yard leaves me no room for any other location than its present location. Relocating the shed into the property will not work due to lack of room. Removing or shortening the shed will place economic hardship on my family and will also reduce any outdoor storage facility that we need to house strollers, play toys, bikes, ladders, lawnmowers, etc. The things you do not want cluttered all over the yard in disarray and getting destroyed by the elements. The size of the shed is 10'-0" x 20'-0"; 200sf, not the 240sf as mentioned in the violation. Please note again that no homeowner adjacent to my property or around the area of my property is complaining about the shed height and/or location.

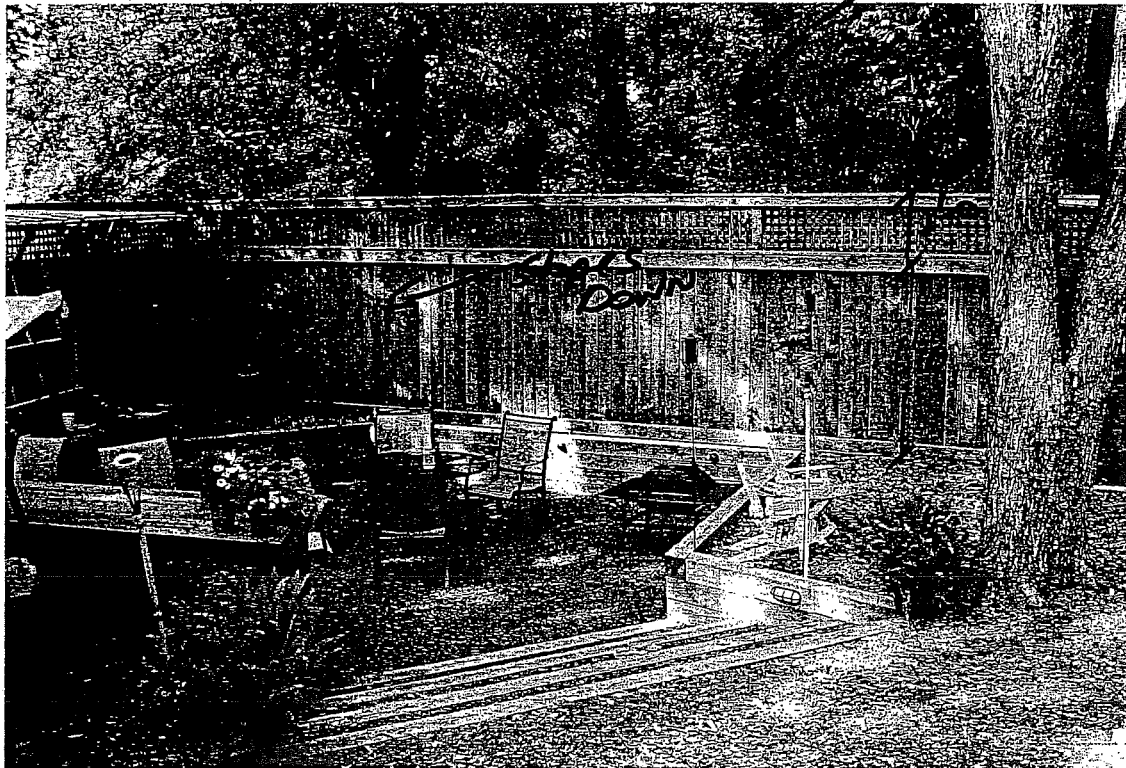
Sincerely,



George Karsadi

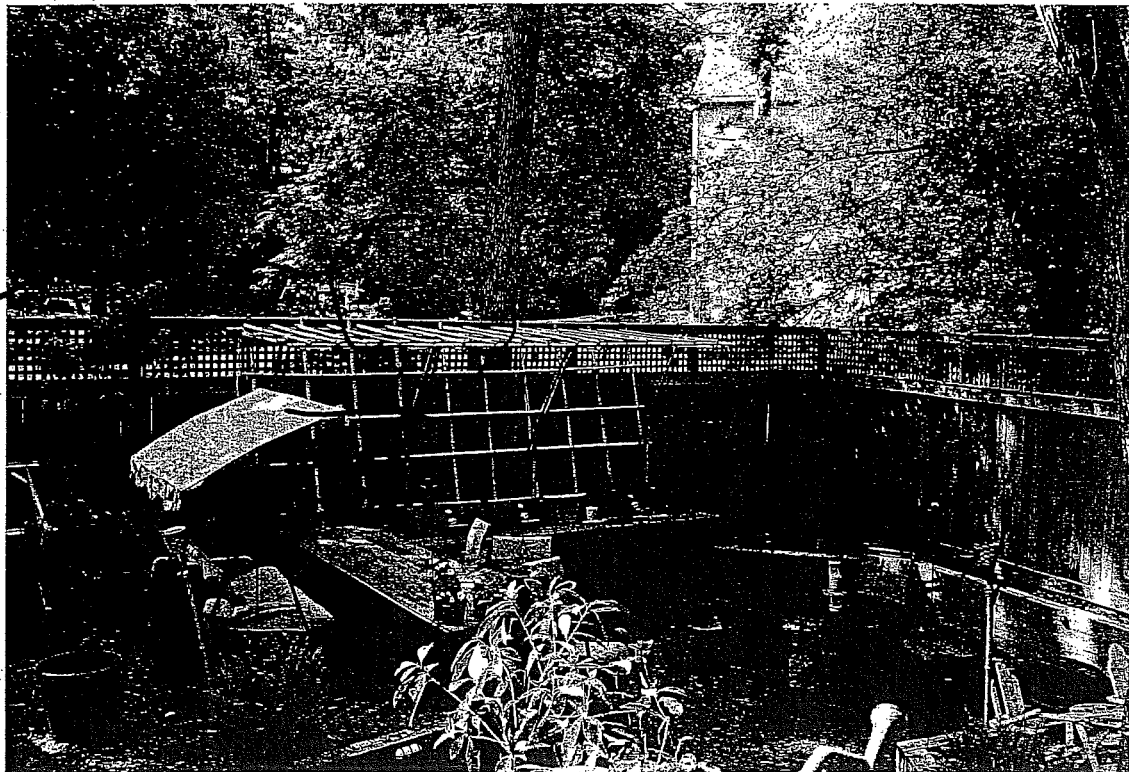
Picture # 1

WOODED LOT
BEHIND



Picture # 2

Exit
Through
AREA



Looking From Path Down to Corner

- NOTES: 1. IPF DENOTES IRON PIPE FOUND.
 2. IPS DENOTES IRON PIPE SET.
 3. POL DENOTES POINT ON LINE SET.

SABINE STREET
 50' WIDE - STATE ROUTE #3187

$A=111.50'$ ~ $R=186.83'$
 $N 54^{\circ}23'48'' W$
 10.00'

$A=39.27'$
 $R=25.00'$

$S 35^{\circ}36'12'' W$
 10.12'

$A=65.06'$
 $R=425.00'$

WAGON WHEEL ROAD
 50' WIDE - STATE ROUTE #3160

PLAT
 SHOWING

LOT 68, SECTION 3

RIVERSIDE ESTATES

(DEED BOOK 1907, PAGE 319)

FAIRFAX COUNTY, VIRGINIA

MOUNT VERNON STREET

SCALE: 1" = 30'

SEPTEMBER 13, 2007 SET FOR RECORD

RIVERSIDE ESTATES
 18

$N 35^{\circ}36'12'' E$
 90.00'

SHED

AREA OF
 FENCE LOCATION
 OVER 7'-0"

68
 14,520 SF

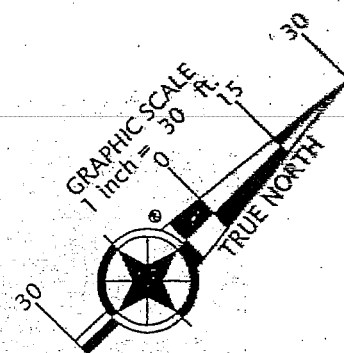
WOODED
 LOT

146.69'

$S 45^{\circ}37'31'' E$

2

00



ZONING ORDINANCE PROVISIONS

ARTICLE 2, PART 3: INTERPRETATION OF DISTRICT REGULATIONS

2-302 Permitted Uses

6. No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

ARTICLE 10, PART 1: ACCESSORY USES AND STRUCTURES

10-102 Permitted Accessory Uses

25. Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

10-103 Use Limitations

4. All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district in which they are located, except as may be qualified by Sect. 2-506. For the purposes of determining height, unless otherwise specified in Sect. 10-104 below, the height of an accessory structure shall be measured from the highest point of the structure to the lowest point of finished ground level adjacent to the structure.

10-104 Location Regulations

3. Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.
 - B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:
 - (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the

dwelling faces a street other than the major thoroughfare,
and

- (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

- C. In any side or rear yard on any lot, a fence or wall not exceeding seven (7) feet in height is permitted. However, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, is permitted:

- (1) In any side or rear yard of a reverse frontage lot; or
- (2) For that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, where such open space is located between the lot line and the major thoroughfare.

10. The following regulations shall apply to the location of freestanding accessory storage structures:

- E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

DEED

This Deed made this 21st day of June, 2007, by and between Jeff W. WILBURN and Denise A. WILBURN, also known of record as Denise A. GEORGE, husband and wife, GRANTORS; and George L. KARSADI and Trisha D. KARSADI, husband and wife, GRANTEES;

WITNESSETH:

That for and in consideration of the conveyance made hereby, the consideration received by the GRANTORS and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the GRANTORS subject to the matters described herein, hereby grant and convey to the GRANTEES, with General Warranty and English Covenants of Title unto GRANTEES, George L. KARSADI and Trisha D. KARSADI, tenants by the entirety with full common law rights of survivorship, the following described real estate, situate, lying and being in the City/County of Fairfax County, State of Virginia, (the "Real Estate"), to wit:

SEE LEGAL DESCRIPTION ON EXHIBIT A ATTACHED HERETO

AND BEING the same property conveyed to Jeff W. Wilburn and Denise A. Wilburn, a/k/a Denise A. George, husband and wife, tenants by the entirety with full common law right of survivorship, by virtue of a Deed dated November 13, 1998 and recorded November 20, 1998, in Deed Book 10666 at Page 258, among the aforesaid land records.

The Real Estate is conveyed subject to all recorded easements, conditions, restrictions, and agreements that lawfully apply to the Real Estate or any part thereof.

RGS TITLE, LLC
1840 Michael Faraday Drive, Suite 120
Reston, Virginia 20190

PREPARED BY
LAW OFFICES
SHREVE, SCHUDEL,
DEVOL, SAUNDERS,
ACKSON, CLARKE &
PARELLO, PLLC

1355 Beverly Road,
Suite 100-A
McLean, VA 22101

(703) 903-9400
FAX (703) 903-9606

Tax Map Number: 101-4-17-0068
Grantee's Address: 8356 Wagon Wheel Road, Alexandria, Virginia 22309
Consideration: \$475,000.00
RGS Case No.: AL7-4577

Deed Page 2

RGS Case No.: AL7-4577

Witness the following signatures and seals:

Jeff W. Wilburn
Jeff W. WILBURN

Denise A. Wilburn
Denise A. WILBURN

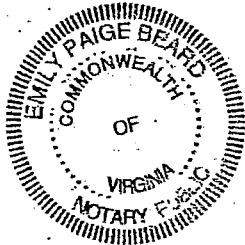
State of Virginia
County/City of: Alexandria

I, the undersigned, a Notary Public for the jurisdiction aforesaid, do certify that Jeff W. WILBURN and Denise A. WILBURN whose names are signed to the foregoing document, bearing the date of the 21st day of June, 2007, acknowledged the same before me in my jurisdiction aforesaid, this 21 day of June, 2007.

My commission expires:

My Commission Expires December 31, 2008

Emily Paige Beard
Notary Public



PREPARED BY
LAW OFFICES
SHREVES, SCHUDEL,
DEVOL, SAUNDERS,
JACKSON, CLARKE &
FARELLO, PLLC

1355 Beverly Road,
Suite 100-A
McLean, VA 22101

(703) 903-9400
FAX (703) 903-9606

2

Deed Page 3

RGS Case No.: AL7-4577

**EXHIBIT A
LEGAL DESCRIPTION**

Lot Numbered Sixty-Eight (68), of the Subdivision of Section Three (3), RIVERSIDE ESTATES, as the same appears duly dedicated, platted and recorded in Deed Book 1907 at Page 319, among the land records of Fairfax County, Virginia.

3

06/22/2007

RECORDED FAIRFAX CO VA

TESTE J. Foy
CLERK

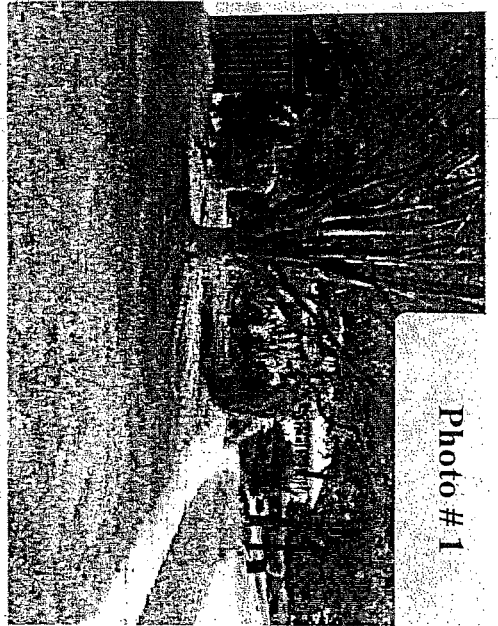


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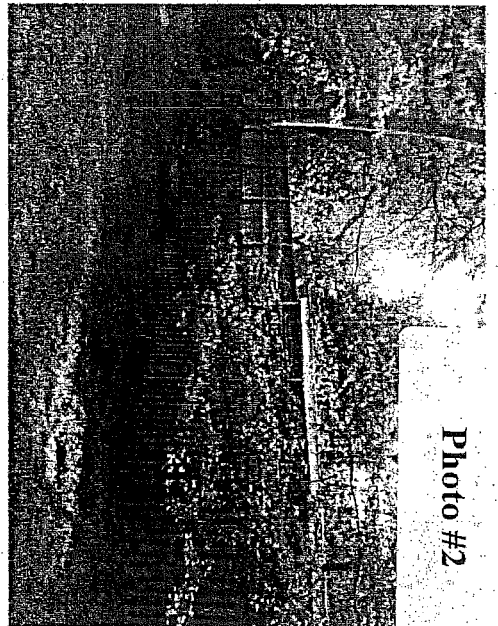


Photo #2



Photo 3

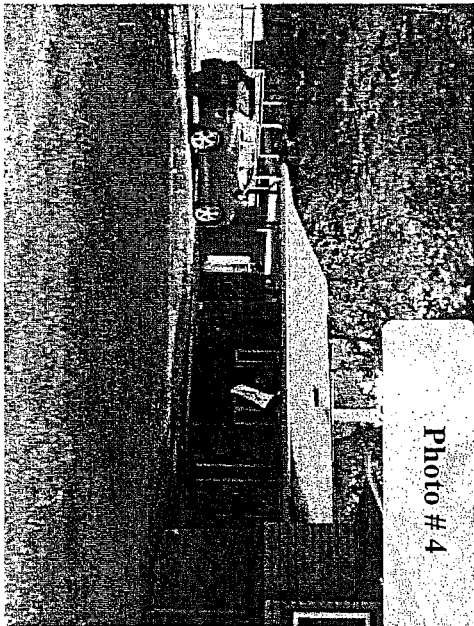


Photo #4



Photo #6

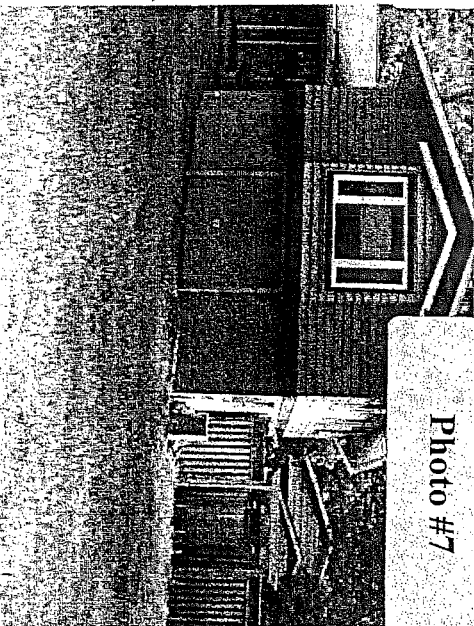


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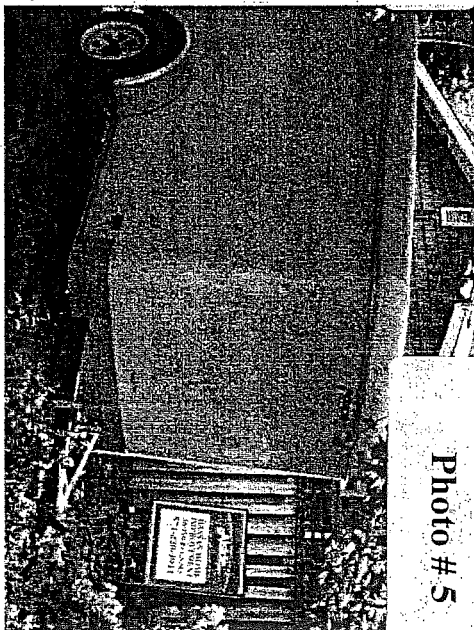


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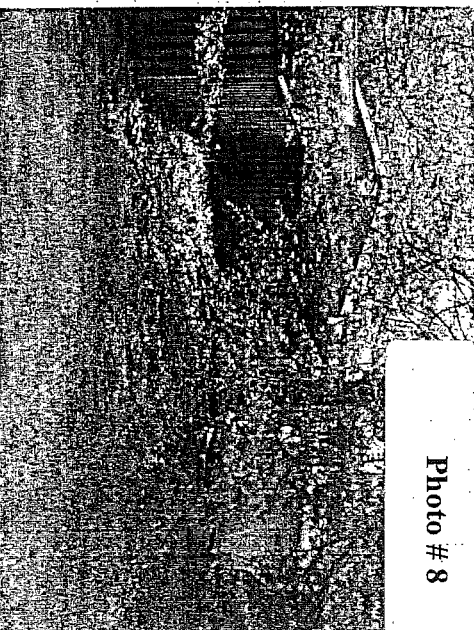


Photo #8

8356 Wagon Wheel Rd.
Alexandria, VA.
Photos taken 5-3-2011 by
M. [signature]
[signature]

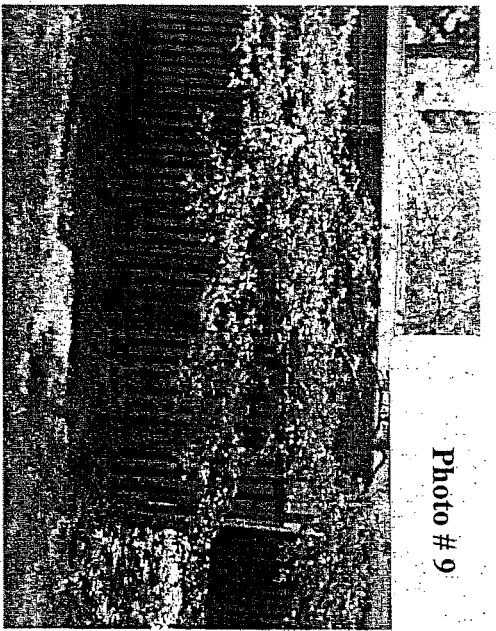


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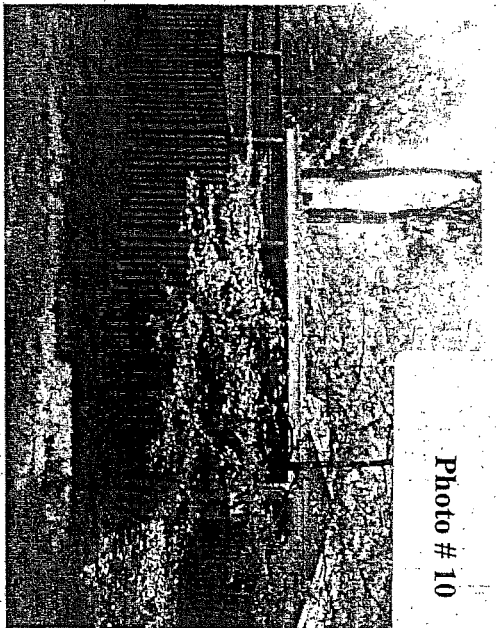


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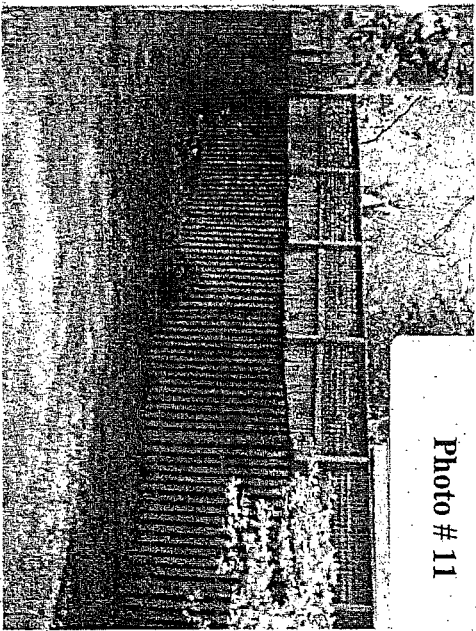


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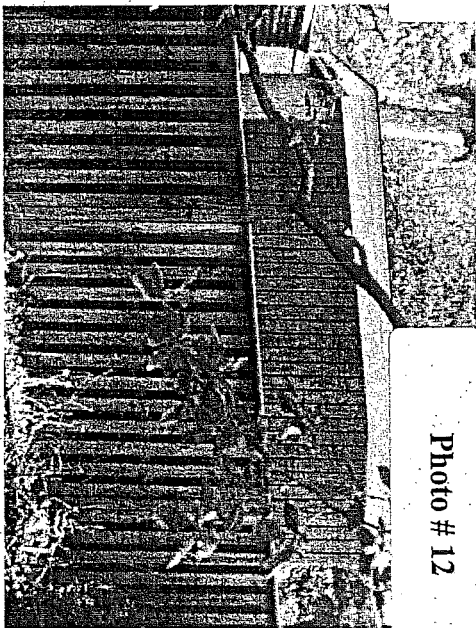


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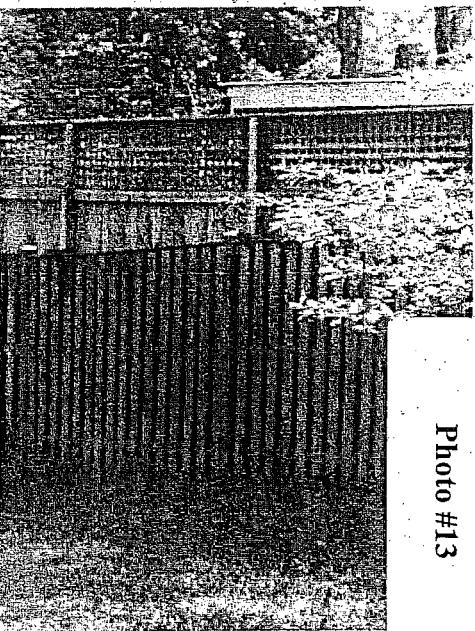


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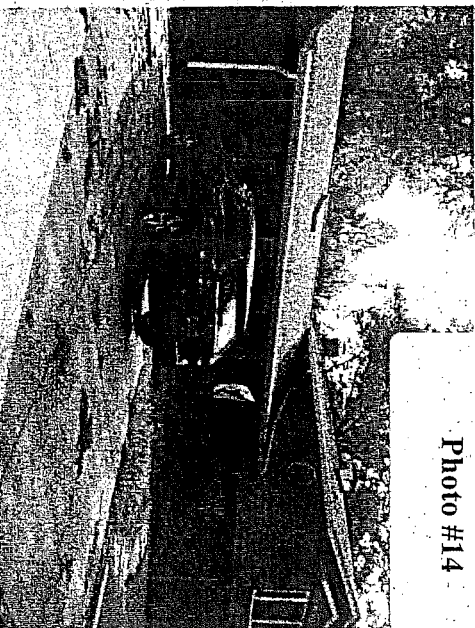


Photo #14

8356 Wagon Wheel Tr
Alvarado, T
Photos taken 5-3-2011
J. Mayberry
Gunn

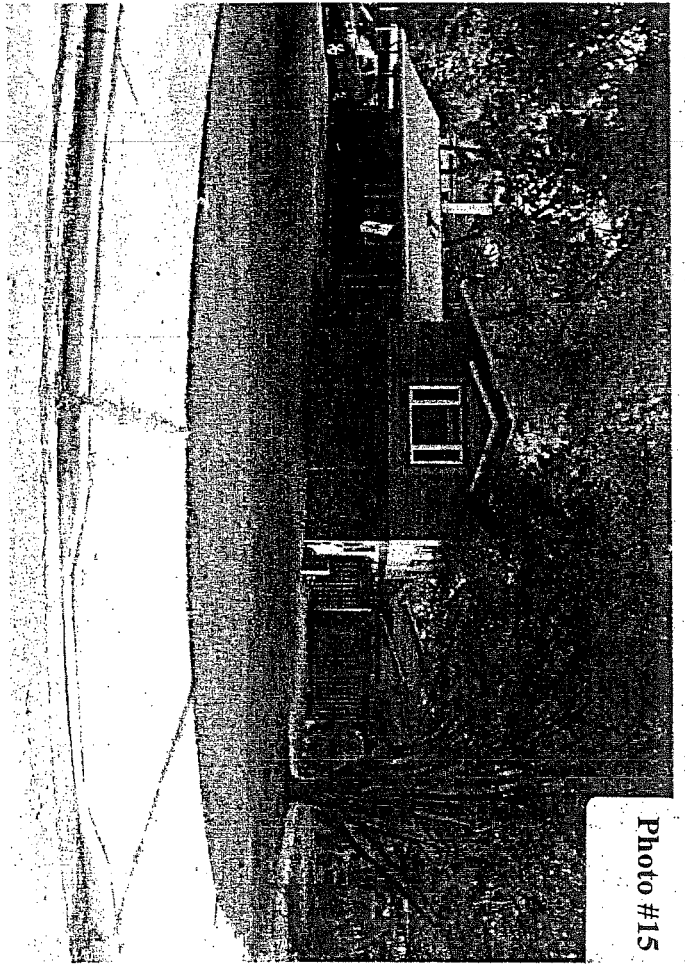


Photo #15



Photo #17

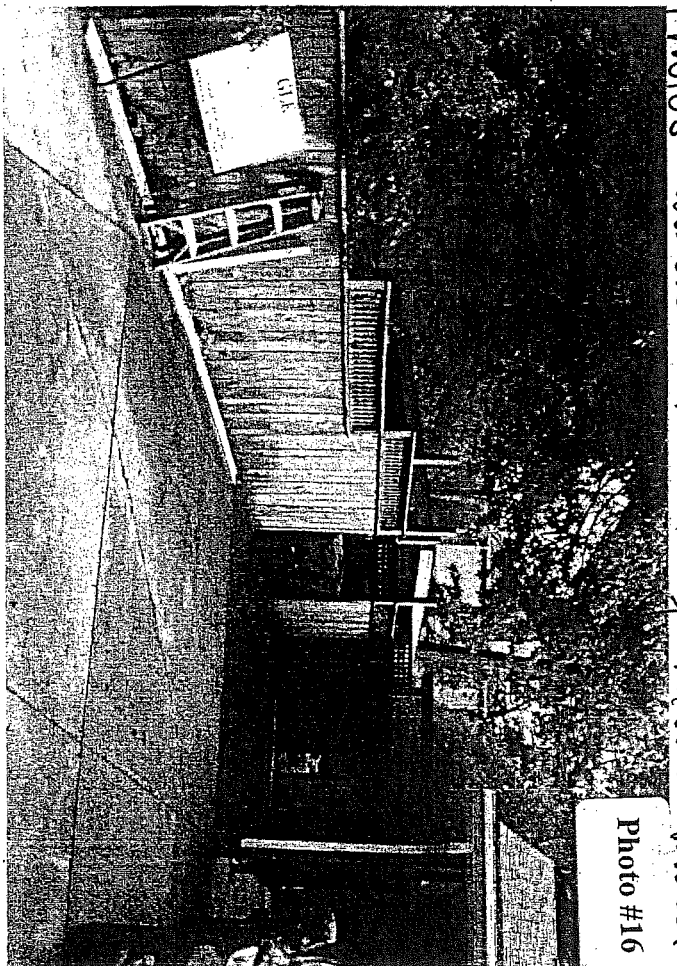


Photo #16

8526 Wagon Wheel Rd. Appleton, WI
 Photos taken 5-18-2011 by Thane Lind

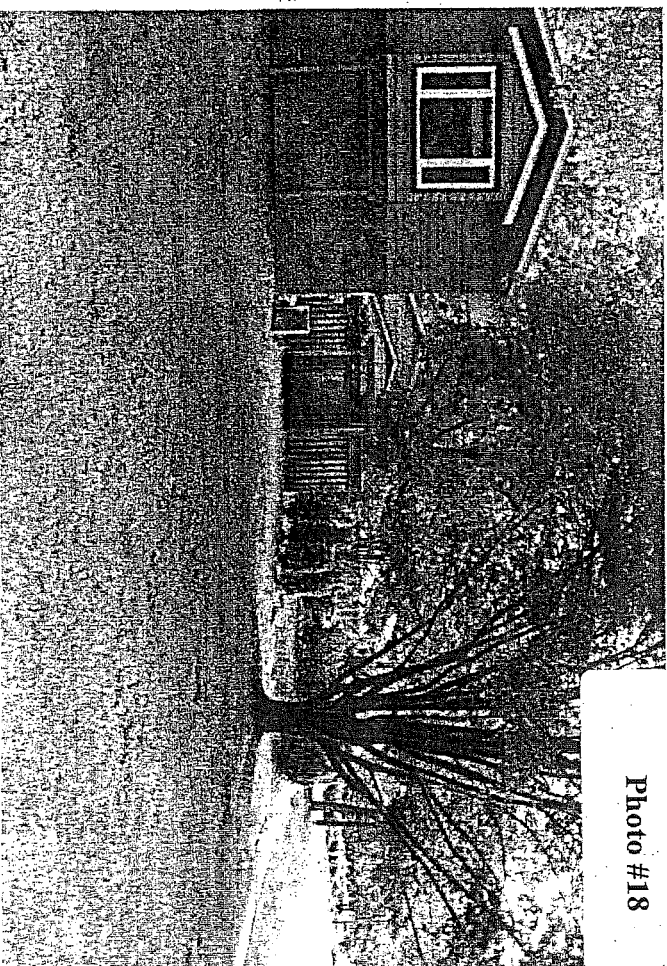


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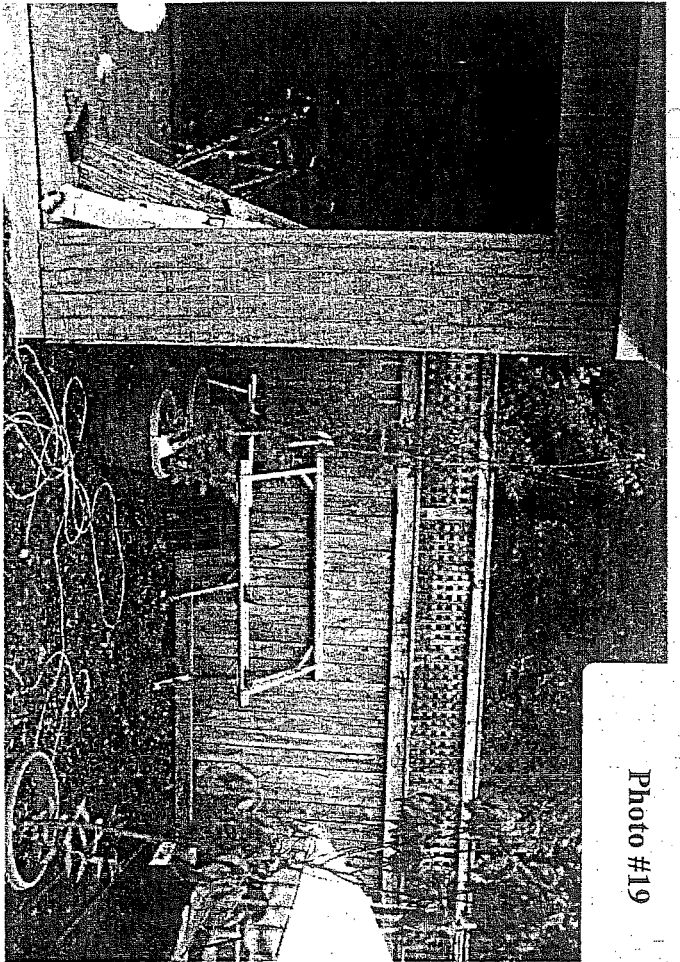


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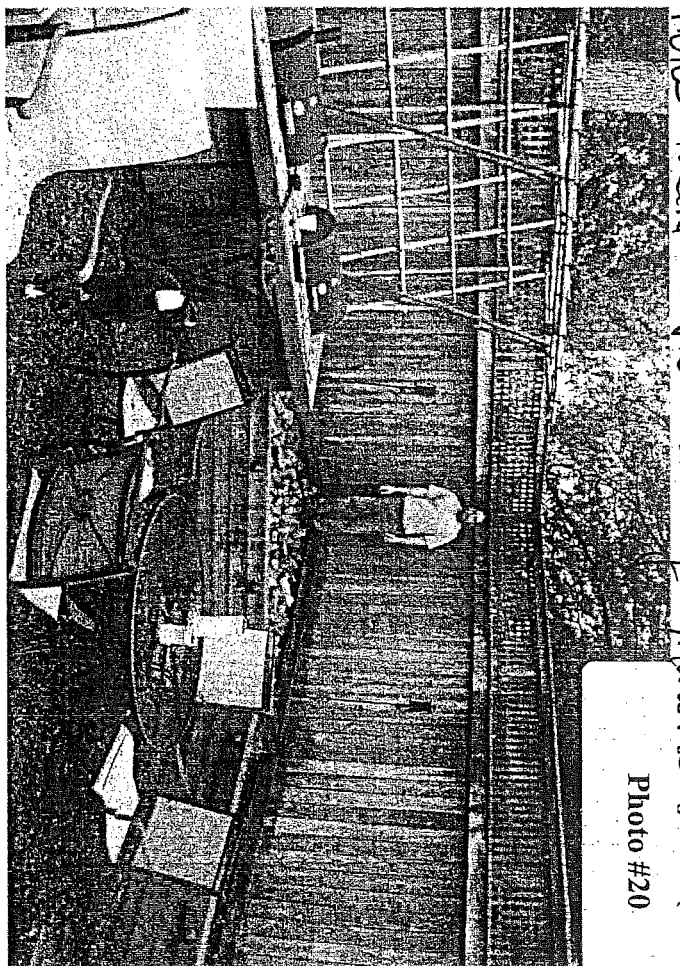


Photo #20

8356 Wagon Wheel Rd., Alexandria, Va.
 Photos taken 5-118-2011 by Pharaoh Wheel

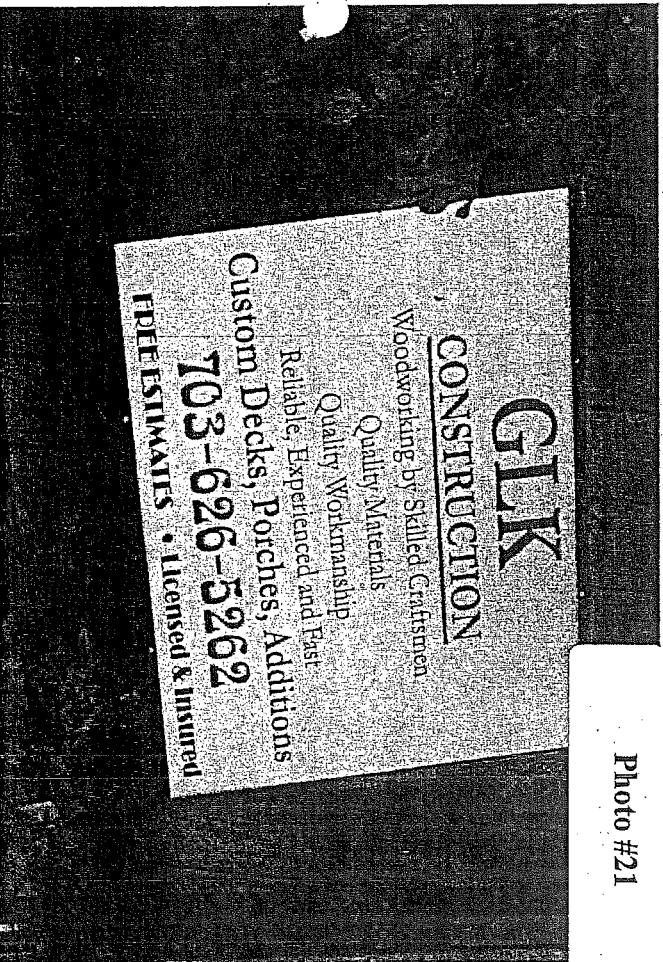


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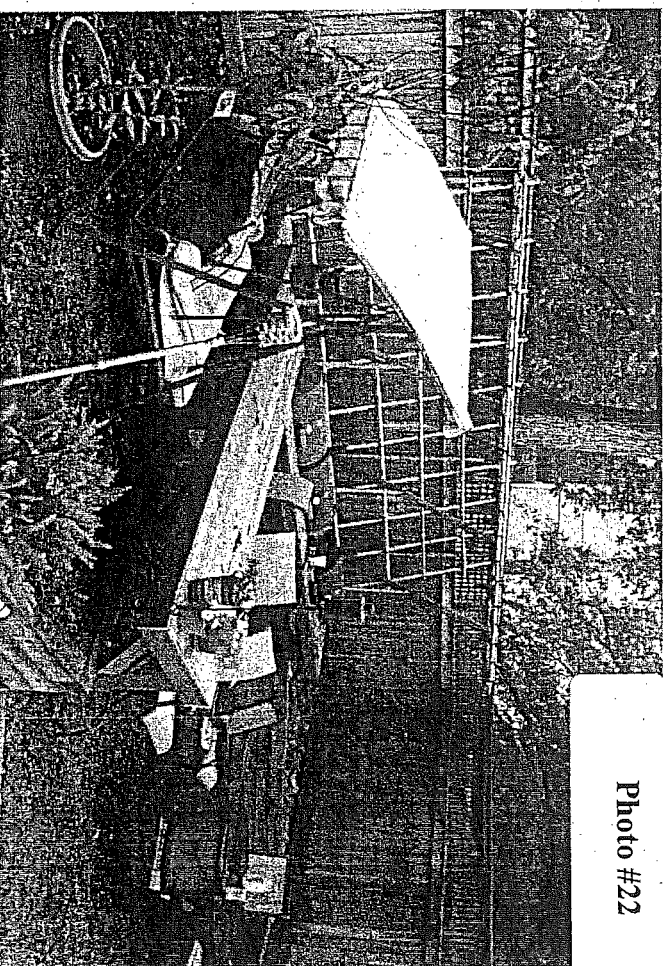


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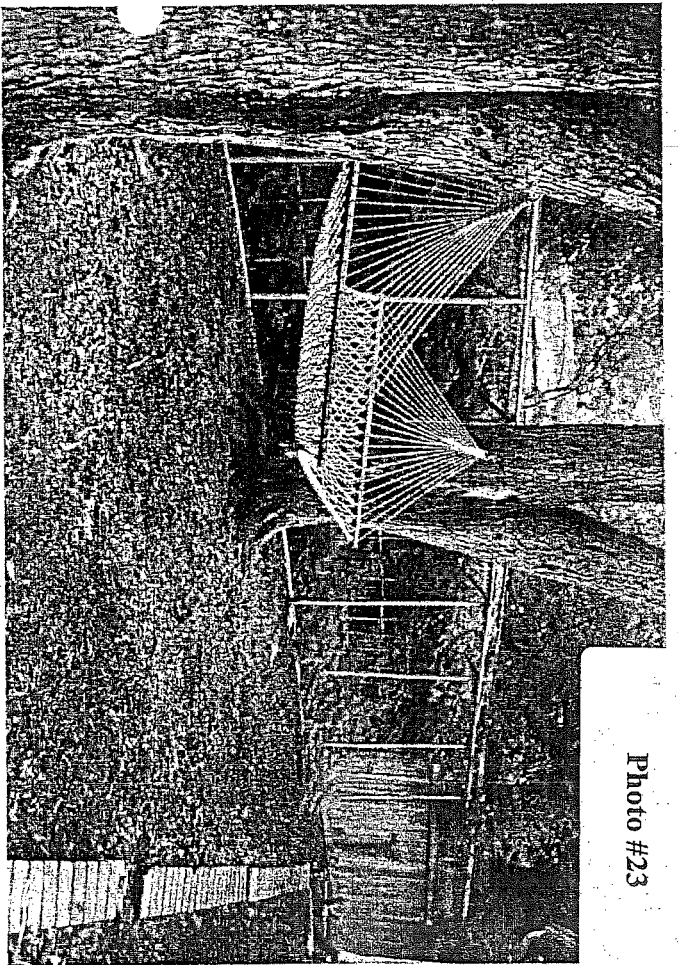


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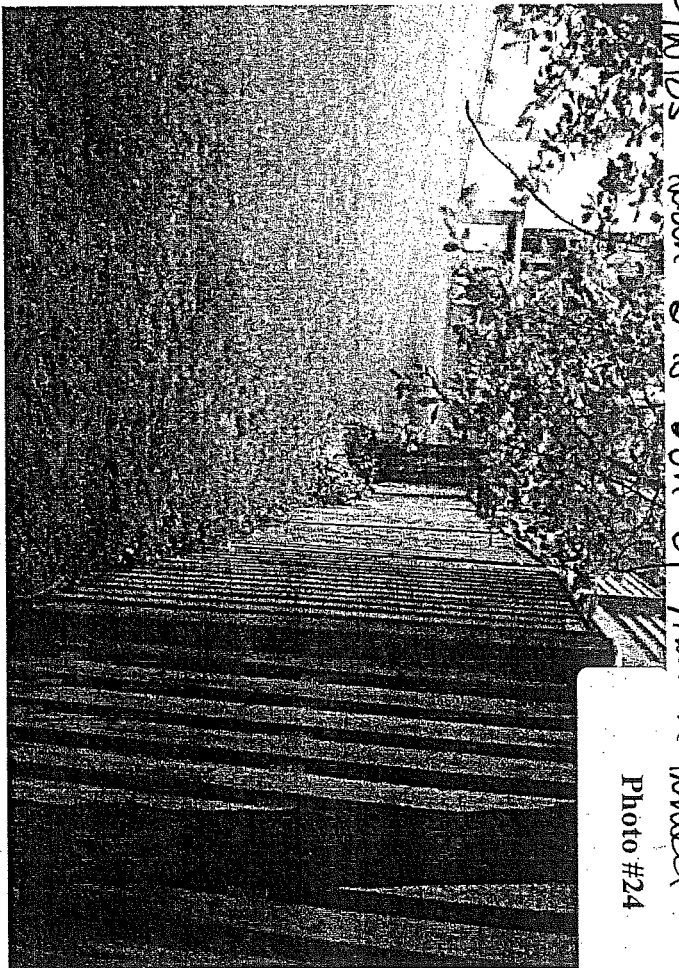


Photo #24

Photos taken 5-18-2011 by Shandra Muel

B356 Wagon Wheel Rd, Alexandria, VA

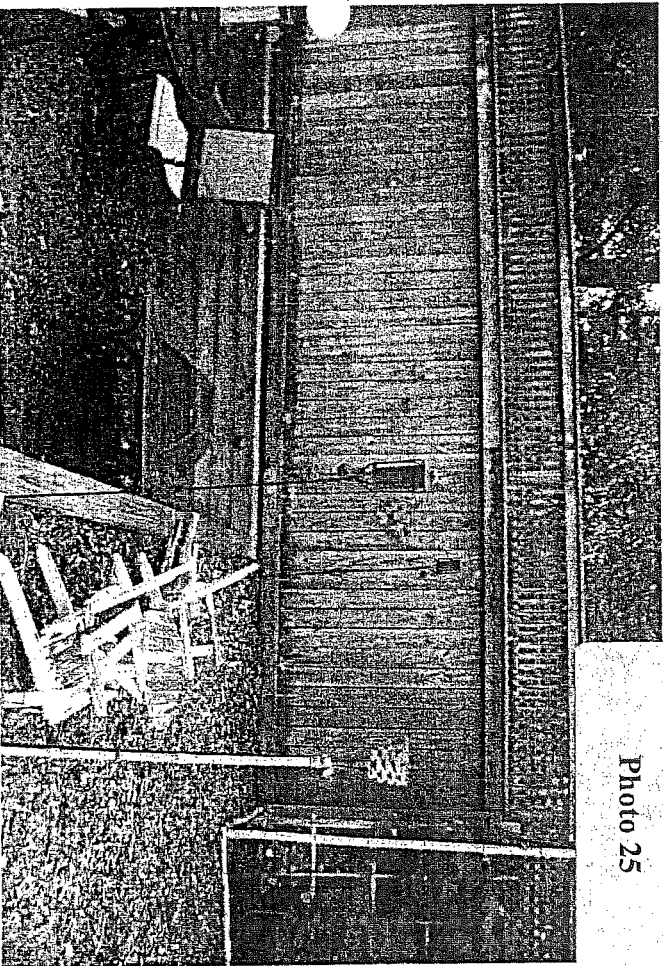


Photo 25

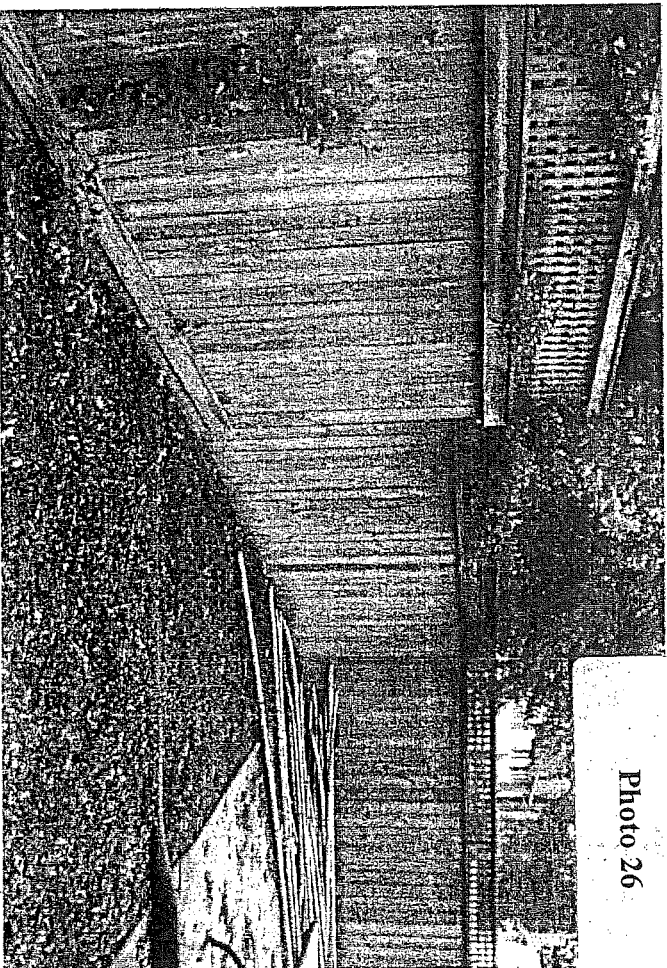


Photo 26

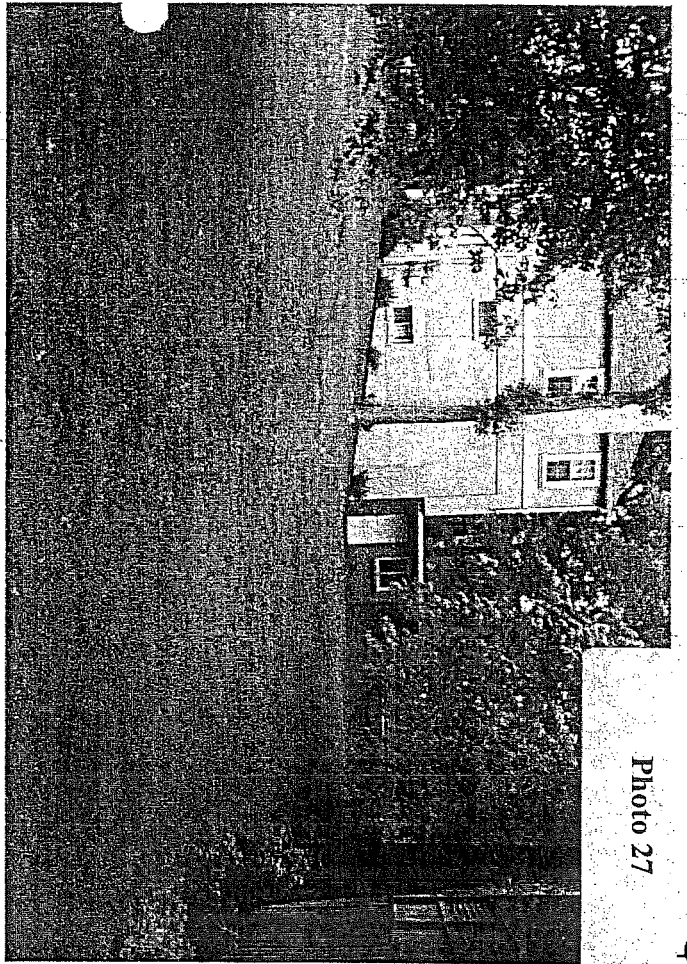


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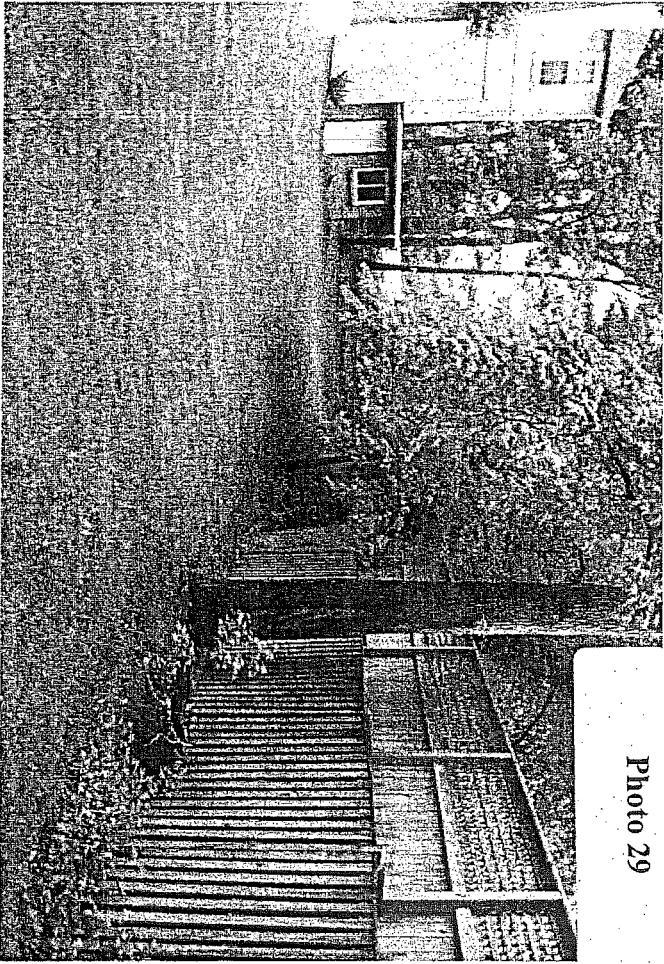


Photo 29

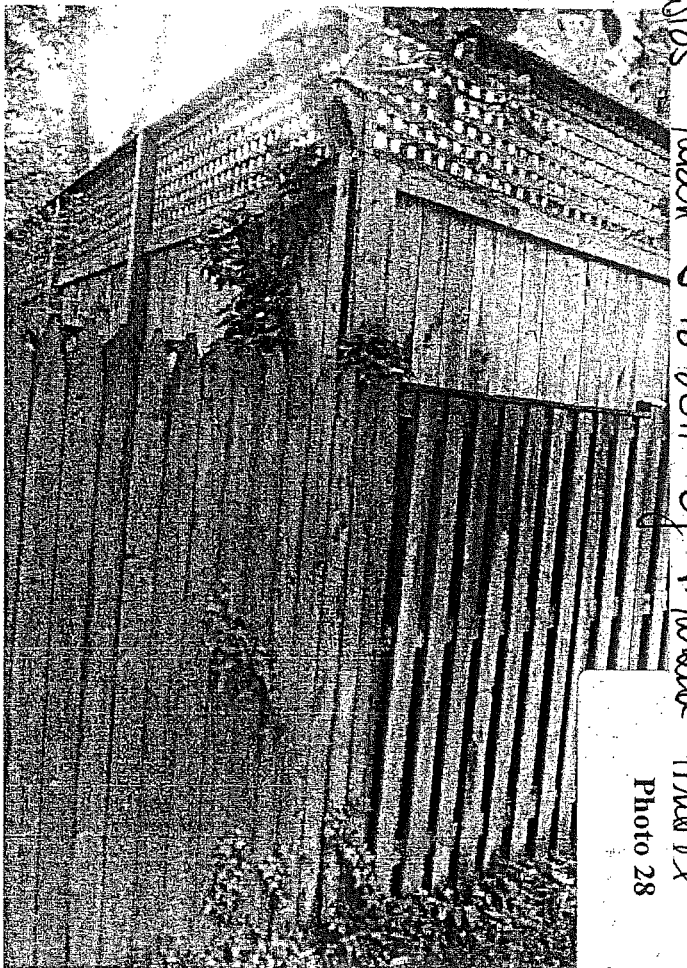


Photo 28

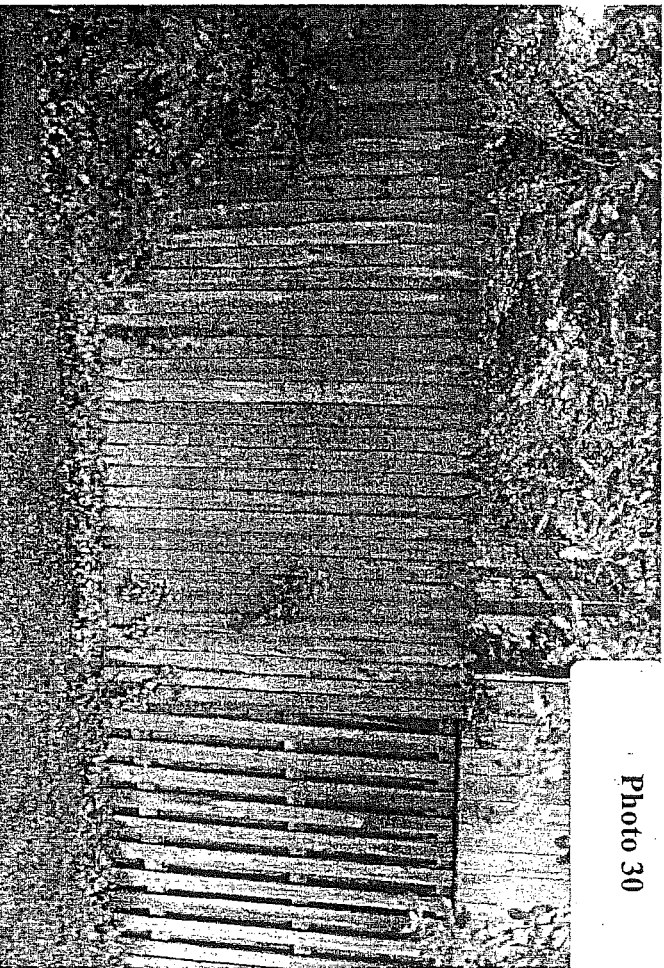


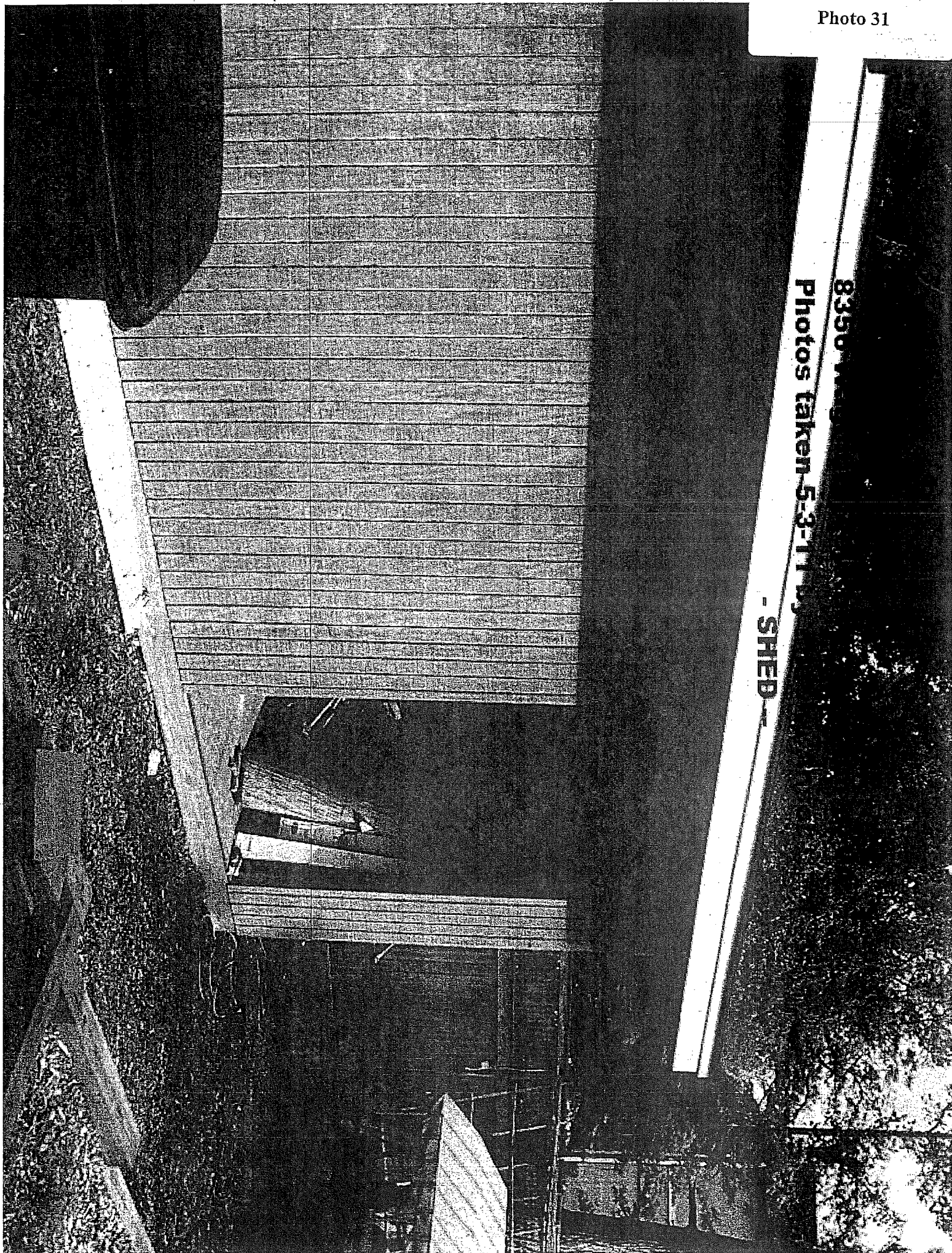
Photo 30

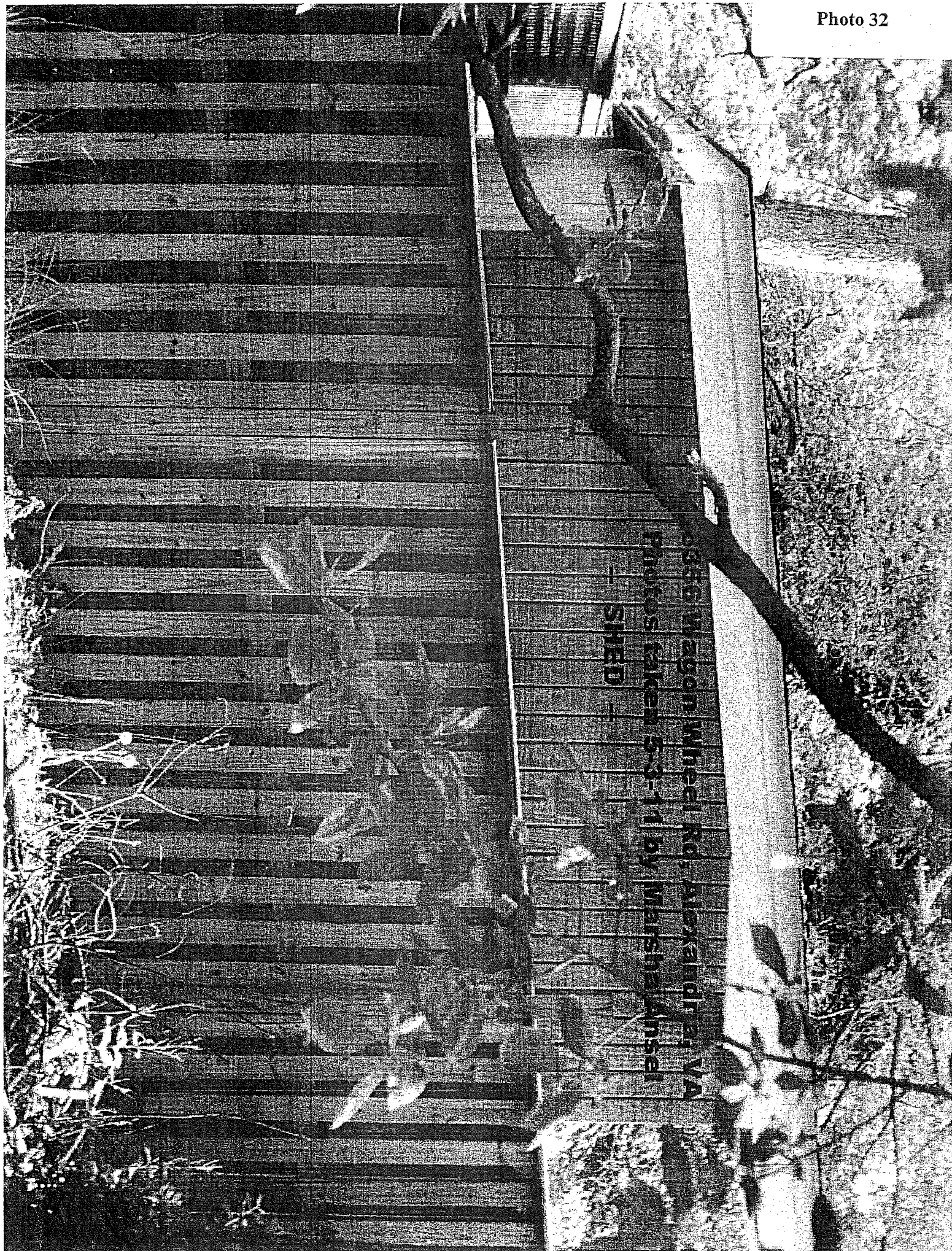
8356 Wagon Wheel Rd, Alexandria, Va.
Photos taken 5-18-2011 by Rhonda Neal

8350 mag

Photos taken 5-3-11 by

- SHED -





0450 Wagon Wheel Rd, Alexandria VA
Photos taken 5-3-11 by Marshall Ansel

- SHED -

8356 Wagon Wheel Rd, Alexandria, VA
Photos taken 5-3-11 by Marshall Ansel
- SHED approx. 2' x 10' x 10'
protruding above ground FENCE

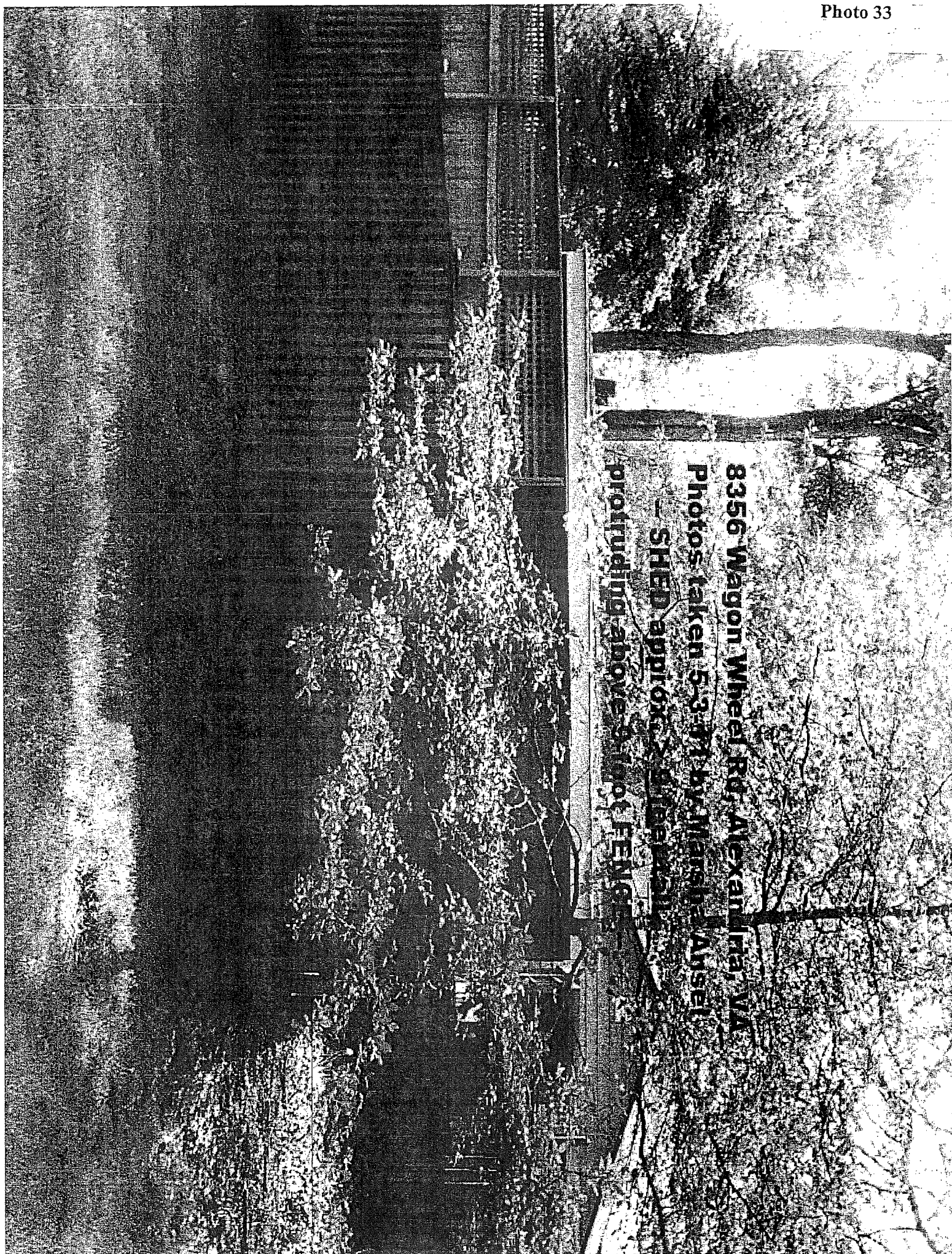
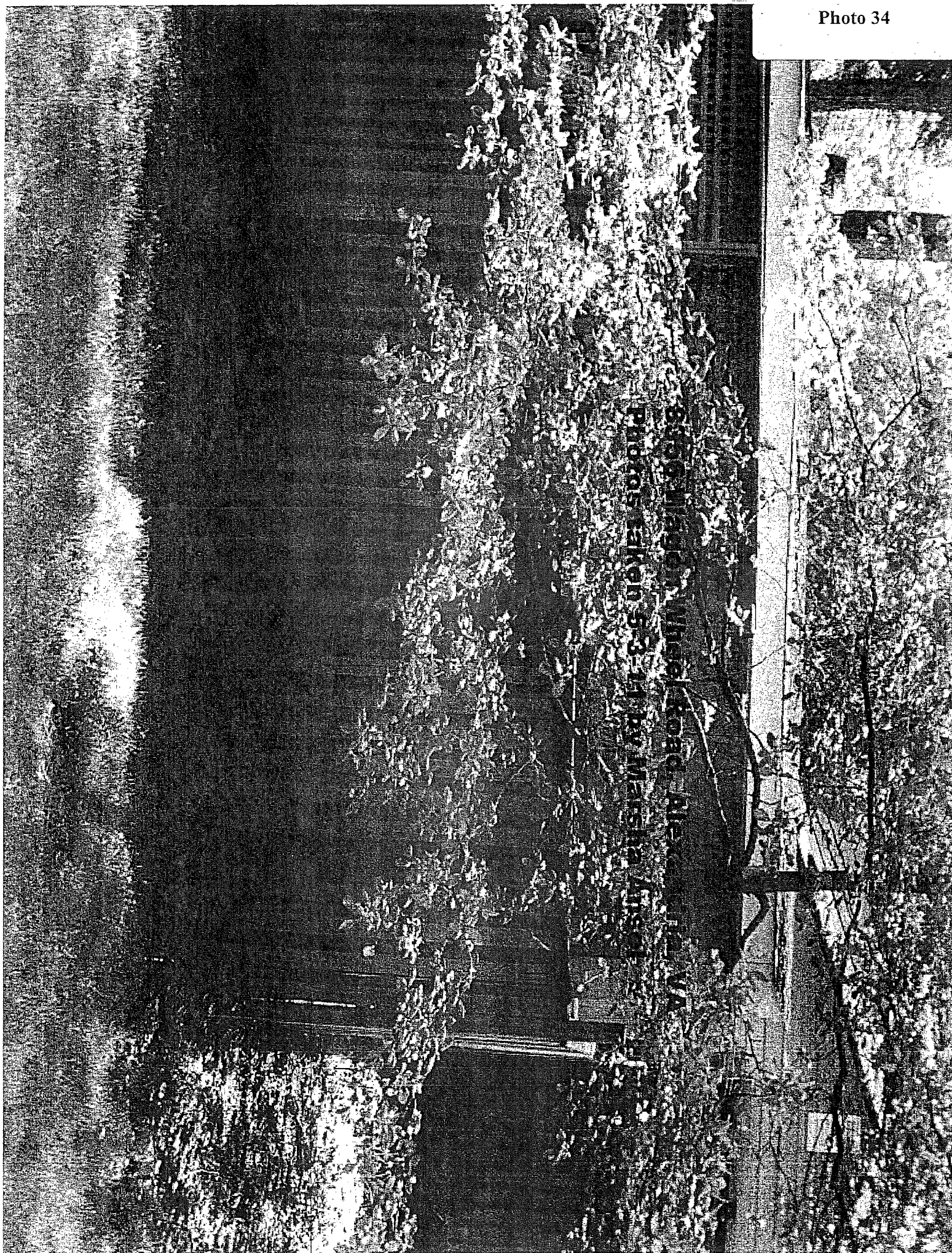


Photo 34



56 Wagon Wheel Rd, Alexandria, VA
Photos taken 5-3-11 by Marsha Ansel



Reference -- Sheet No. 101-4, Property Identification No. A-5077

FORM ZA

Sewer
COUNTY OF FAIRFAX, VIRGINIA
Office of the Zoning Administrator

APPLICATION FOR CERTIFICATE OF OCCUPANCY

For Use In Connection with a New Building Or For Change In The Exterior
Outline of An Existing Building

(WRITE WITH INK)

Date 10-24-60, 1960

Name of Proposed Occupant or Trade Name
Applicant Potomac Valley Builders, Inc.

Premises number 3700 Wagon Wheel Rd. Ash.

Lot number 68 Block Section 0-3

Subdivision or
Acreage Description River Side Estates

To be used as On Family Dwelling

Last used as new

Non-Conforming Use

TO BE FILLED IN BY CLERK

Material of building

Zone R-12.5

No. of stories high

Height 2

Which floor do you propose
to use?

Fire Zone P-4122

Owner of Building (or agent)
James

Building Permit No. DATA

Date 10-24-60 lsk
Initials

Address 3727 Sabine St
Ann. wagon wheel Rd

This Application Constitutes A Written Request For a Certificate of
Occupancy Upon Compliance By the Applicant With Provisions of Section
13.4.3 Of Chapter 6 Volume II of The Code

It is understood that the Certificate of Occupancy
does not take the place of any license that may be
required by law, and also that it does not confer
the right to erect or maintain any kind of signs.

Signature of Proposed occupant
Applicant W. Crocker

Address 3700 Wagon Wheel Rd. Ash. Va

Telephone number 508-4800

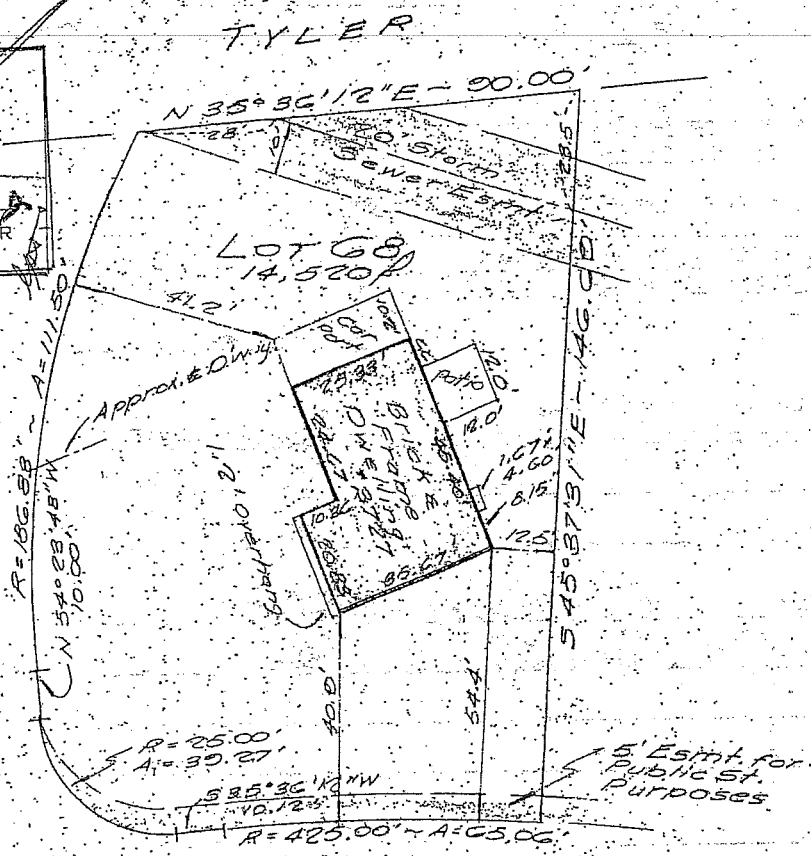
ZONING SECTION
No. D-3704
Issued lsk
Date 1-26-62

**FINAL
APPROVAL**

J. L. Neal
ZONING ADMINISTRATOR
DATE

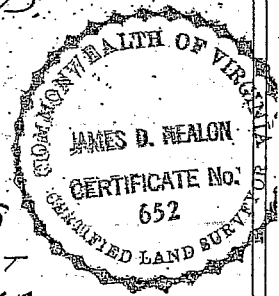
JAN 26 1962

SABINE ST.
50' R/W



WAGON WHEEL RD.
50' R/W

HOUSE LOCATION
LOT G8 SECTION 3
RIVERSIDE ESTATES
MT. VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA



Scale: 1"=30' Date: Wall Check 5-23-61
Final 8-3-61
GREENHORNE, O'MARA, DEWBERRY & NEALON
Civil Engineers Land Surveyors
4610 Lee Highway, Arlington, Virginia, JA 50713
Certified Correct

Reference: DB 1907 PG. 319 Drawn by J.E. *James L. Nealon*
Checked by JTM

ZONING SECTION
No. D-3204
Issued for
Date 1-26-62

Applicant W. F. Groover
Address 3700 Wagon Wheel Rd. Apt. 6
Telephone number 508-4800

R

1-17-62




County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
 Suite 549, 12000 Government Center Parkway
 Fairfax, Virginia 22035-0064
 Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: March 1, 2013

TO: Leslie B. Johnson
 Department of Planning and Zoning

FROM: Marc E. Gori, Assistant County Attorney 
 Office of the County Attorney

SUBJECT: *Eileen M. McLane, Fairfax County Zoning Administrator v. George L. Karsadi and Trisha D. Karsadi; Case No. CL-2012-0010272*

REF.: 117070

THIS MEMORANDUM CONTAINS CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS AND IS NOT TO BE RELEASED TO THE PUBLIC. THIS MEMORANDUM IS EXEMPT FROM THE DISCLOSURE PROVISIONS OF THE VIRGINIA FREEDOM OF INFORMATION ACT. VA. CODE ANN. § 2.2-3705.1(2)(2011).

Please find attached a copy of the Agreed Final Order that was entered in this case on January 14, 2013. The order requires George L. Karsadi and Trisha D. Karsadi ("Defendants"), owners of real property located at 8356 Wagon Wheel Road (Tax Map No. 101-4((17)) parcel 68) ("subject property"), to clear the violations from the subject property by either obtaining a special permit and variance or reducing the height of the fence and relocating accessory storage structures in accordance with the Zoning Ordinance. The Defendants' hearing on their applications for a special permit and variance are scheduled to be heard on April 24, 2013.

Please call me at (703) 324-2421 if you have any questions regarding this matter.

Attachment

cc: Supervisor Gerard W. Hyland, Mt. Vernon District
 Michael R. Congleton, Code Authority/Strategic Initiatives Manager, DCC
 Karen McClellan, Operations Manager, DCC
 Nancy Stallings, Code Compliance Investigator, DCC

C
VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

LESLIE B. JOHNSON, FAIRFAX COUNTY
ZONING ADMINISTRATOR,

Plaintiff,

v.

GEORGE L. KARSADI

and

TRISHA D. KARSADI,

Defendants.

Case No. CL-2012-0010272

AGREED FINAL ORDER

THIS CAUSE came before the Court at the request of the Plaintiff, Leslie B. Johnson, Fairfax County Zoning Administrator ("Zoning Administrator"), and Defendants George L. Karsadi and Trisha D. Karsadi ("Defendants"), for the entry of this Agreed Final Order; and

IT APPEARING TO THE COURT that the property that is the subject of this lawsuit is located at 8356 Wagon Wheel Road, Alexandria, Virginia (Tax Map No. 101-4((17)) parcel 68) ("subject property"), is zoned to the R-3 District (Residential District, Three Dwelling Units/Acre), and is owned by the Defendants; and

IT FURTHER APPEARING TO THE COURT that Leslie B. Johnson was appointed as Fairfax County Zoning Administrator following the retirement of Eileen M. McLane; and

IT FURTHER APPEARING TO THE COURT that the Defendants have submitted applications for a Special Permit (SP 2012-MV-077) and a Variance (VC 2012-MV-007) collectively referred to as "Permit Applications" to the Board of Zoning Appeals ("BZA") to

cure the existing Zoning Ordinance violations for an accessory storage structure and fence that are the subject of this case; and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator and the Defendants have agreed to settle this case under the terms and conditions set forth below, as evidenced by the endorsements hereon of the Defendants and counsel for the Zoning Administrator; and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator and the Defendants with the approval of this Court; and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order should be entered; now, therefore, it is hereby

ADJUDGED and ORDERED as follows:

1. ^{JK} Leslie B. Johnson is hereby substituted for Eileen M. McLane as the Plaintiff, herein; and
2. Parking and/or allowing the parking of a trailer on the unsurfaced area of the front yard of the subject property violates Zoning Ordinance § 11-102(8); and
3. Maintaining and/or allowing the maintenance of a fence in the front yard of the subject property that exceeds four feet in height violates Zoning Ordinance §§ 10-104(3)(B) and 2-302(6); and
4. Maintaining and/or allowing the maintenance of a fence in the side and rear yards of the subject property that exceeds seven feet in height violates Zoning Ordinance §§ 10-104(3)(C) and 2-302(6); and

5. Maintaining and/or allowing the maintenance of an accessory storage structure that exceeds 8½ feet in height and is located approximately one foot from the side lot line of the subject property violates Zoning Ordinance §§ 10-104(10)(E) and 2-302(6); and

6. The Defendants shall immediately cease the parking of vehicles and/or trailers on the unsurfaced area of the front yard of the subject property except as permitted by Zoning Ordinance § 11-102(8); and

7. To the extent that the BZA denies the Defendants' Special Permit or the Variance applications and, as a result, one or more Zoning Ordinance violations alleged in the Complaint remain unresolved on the subject property, the Defendants shall, within 30 days after such disapproval and as is necessary to comply with any such remaining Zoning Ordinance violations, (i) permanently remove in its entirety the fence in the front, side, and rear yards from the subject property or reduce the height of the fence in the front, side, and rear yards of the subject property in compliance with Zoning Ordinance §§ 10-104(3)(B) and (C), and/or (ii) permanently remove the accessory storage structure from the subject property, reduce the height of the accessory storage structure to a height not more than eight and one-half feet, or relocate such structure on the subject property in compliance with Zoning Ordinance § 10-104(10)(E); and

8. Defendants, their agents, employees, and/or tenants are permanently enjoined from parking and/or allowing the parking of vehicles and/or trailers on the unsurfaced areas of the front yard of the subject property in violation of Zoning Ordinance § 11-102(8); and

9. The parking and/or allowing the parking of vehicles and/or trailers on the unsurfaced areas of the front yard of the subject property in violation of Zoning Ordinance § 11-102(8) is permanently enjoined; and

10. To the extent that the BZA fails to approve the Variance allowing the fence to exceed the below-described height restrictions and subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of a fence in the front yard of the subject property that exceeds four feet in height in violation of Zoning Ordinance § 10-104(3)(B); and

11. To the extent that the BZA fails to approve the Variance allowing the fence to exceed the below-described height restrictions and subject to the times set forth herein for remediation, the maintenance and/or allowing the maintenance of a fence in the front yard of the subject property that exceeds four feet in height in violation of Zoning Ordinance § 10-104(3)(B) is permanently enjoined; and

12. To the extent that the BZA fails to approve the Variance allowing the fence to exceed the below-described height restrictions and subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of a fence in the side and/or rear yards of the subject property that exceeds seven feet in height in violation of Zoning Ordinance §§ 10-104(3)(B) and 2-302(6); and

13. To the extent that the BZA fails to approve the Variance allowing the fence to exceed the below-described height restrictions and subject to the times set forth herein for remediation maintaining and/or allowing the maintenance of a fence in the side and/or rear yards of the subject property that exceeds seven feet in height in violation of Zoning Ordinance §§ 10-104(3)(B) and 2-302(6); and

14. To the extent that the BZA fails to approve the Special Permit allowing the accessory storage structure to be located within the minimum required side yard and closer than

a distance equal to its height to the rear lot line and subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located within the minimum required side yard and/or closer than a distance equal to its height to the rear lot line at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(E) and 2-302(6); and

15. To the extent that the BZA fails to approve the Variance allowing the accessory storage structure to be located within the minimum required side yard and closer than a distance equal to its height to the rear lot line and subject to the times set forth herein for remediation, maintaining and/or allowing the maintenance on the subject property of an accessory storage structure that exceeds 8½ feet in height and is located within the minimum required side yard and/or closer than a distance equal to its height to the rear lot line at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(E) and 2-302(6) is permanently; and

16. The Zoning Administrator and/or her agents shall be permitted to enter upon the subject property at reasonable times and upon reasonable notice to inspect and photograph the subject property to ensure that the Defendants comply with this Agreed Final Order; and

17. The terms and deadlines set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties with the approval of this Court; and

18. The Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227, to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendants and shall index this Agreed Final Order as follows:

GRANTORS: George L. Karsadi; Trisha D. Karsadi

GRANTEES: Leslie B. Johnson; Fairfax County
Zoning Administrator

AND THIS CAUSE IS FINAL.

ENTERED this 14 day of January 2013.

In Nyg
JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

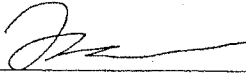
DAVID P. BOBZIEN
COUNTY ATTORNEY

By

M. E. Gori
Marc E. Gori (VSB No. 74926)
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
(703) 324-2421/(703) 324-2665 (fax)
Counsel for Plaintiff Leslie B. Johnson,
Fairfax County Zoning Administrator

SEEN AND AGREED:

G. L. Karsadi
George L. Karsadi
8356 Wagon Wheel Road
Alexandria, Virginia 22309
Defendant *pro se*



Trisha D. Karsadi
8356 Wagon Wheel Road
Alexandria, Virginia 22309
Defendant *pro se*

Gumkowski, Laura B.

From: Much, Gary M.
Sent: Tuesday, April 09, 2013 2:26 PM
To: Gumkowski, Laura B.
Subject: Shed Encroachment In SDE 8356 Wagon Wheel Rd Alex. VA 22309

Laura

I made an inspection on 3/28/13 at 8356 Wagon Wheel Rd. The shed is clearly in the Storm Drain Easement (SDE). No one was at the residence. I left a note and my business card to contact me. Mr. Karsadi contacted me 3/29/13. I advised him the shed is considered a permanent structure and is not allowed in the SDE. He was not wanting to remove the shed. I had my supervisor Bill Schell talk to him. Bill also advised him the shed needs to be removed from the SDE. In the past when a property owner is not in compliance with our request to relocate a shed out of SDE it is referred to the County Attorney's Office for enforcement.

Gary M. Much
ENG TECH III
FFX CO DPWES-SWM
703-877-2845

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914**Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.